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Resolved: Justice requires the recognition of animal rights.

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Topic Analysis by Conor Doherty

Introduction

I want to start by saying that I think this resolution has the potential to be very interesting and fun. There is a lot of room for both stimulating philosophical debates as well as important and relevant policy discussions. That said, the wording might give rise to recurrent (and dull) definition and framework debates. In this overview, I'll talk about both of these aspects of the resolution and, hopefully, provide some strategies that will let you focus primarily on the former.

Framework

"Justice requires..."

Because the word is right in the resolution, Justice will probably be the most common value. Justice is a value that comes up on many topics and many common conceptions of justice are all but taken for granted, but I think this resolution requires special handling of the issue. Debaters are quick to offer a definition like "justice is giving each their due" or "justice is fairness," and these are common definition with lots of philosophical discussion and support, but are usually used in the context of relations between people. What animals are due or how it's fair to treat an animal may be very different than an analogous situation with a human (in fact, this is the fundamental question of the resolution). This means that a good standard on this topic will require more discussion of the foundations of the conception of justice it's forwarding. What are humans due and why? How do these principles translate to the discussion of animal rights?

This topic will also require a more nuanced discussion of the social and political institutions charged with upholding justice. Often, a conception of justice is developed in an institutional context, especially government, that frames its implementation. The Rawlsian notion of justice as fairness, for instance, is tied up in the idea that a social contract necessitates equitable distribution of resources. Situating non-human animals in this social arrangement is a non-trivial issue. It's problematic to consider an animal to be a party to a social contract in that they're probably incapable of consenting to such an arrangement, let alone picturing themselves behind a "veil of ignorance." I mean, I can't even convince my dog not to eat garbage.

In addition, this gives rise to the issue of whether justice is the "best" way to address the needs of animals. The problem of how humans and animals ought to interact is often framed as a moral or

ethical question (i.e., People for the Ethical Treatment of Animals) as opposed to one of justice. I don't foresee this being a big issue since there's a lot of overlap, but it's a distinction to be cognizant of, especially in the context of debates over "animal rights" versus "animal welfare" (more on this later). Personally, I think arguments in this vein circumvent more interesting and relevant debates, but that isn't to say they should be ignored.

The phrasing "Justice requires..." is key to determining burdens in the round. If the debaters adopt a whole resolution focus (defending the resolution as a general principle), "requires" probably give the affirmative a necessary burden (i.e., the recognition of animal rights is a necessary condition for justice). This gives the affirmative debater the option of outlining various side constraints on justice that demand some degree of animal rights. Although possibly strategic, I wouldn't recommend employing this interpretation too extremely. There are lots of (legitimate) theoretical objections arguing that this interpretation gives that affirmative access to multiple necessary and insufficient burdens, destroys negative turn ground, etc.

That said, I think this resolution is actually fairly conducive to a whole resolution focus. A common problem with this framework is that there is too much ambiguity in what it means to defend the "whole resolution." However, there are plenty of precise definitions of animal rights in the topic literature that can clearly define affirmative ground (outline particular types of practices and types of animals you will be defending). As long as the definition is reasonable and precise, I don't think it's objectionable to argue that a particular conception of animal rights is a necessary condition for justice. That said, a vague definition will make the affirmative a moving target. This could be strategic if you're being intentionally shifty but probably not worth the risk (not to mention being a lame way to win). A precise definition outlining particular practices will also allow you to draw larger and more concrete impacts.

If the affirmative chooses to use a plan framework, I don't think the phrasing of a necessary burden makes sense. Instead, the position should be that a particular animal rights-respecting policy offers a net benefit over the status quo. A position like this almost certainly makes the most sense within a utilitarian framework (both logically and because of the relevant topic literature) and so doesn't make sense with a side constraint standard. Although this burden structure requires more work for the affirmative, there are numerous other strategic benefits including access to the plethora real world examples and intuitive and compelling impacts.

"...the recognition..."

Again, the interpretation of this phrase depends heavily on the paradigm the affirmative operates under. Under a whole resolution focus, “recognition” should just mean “acknowledgement of” or “consideration for.” It could be argued that there is some ambiguity as to when a right has been recognized, but I don’t see that as an issue in this context. The claim is merely that justice, as an abstract philosophical concept, must include provisions for the rights of animals. This doesn’t require an “enforcement mechanism” or even implementation per se because it’s strictly a theoretical claim.

I think this interpretation is legitimate and can be run effectively, but has some drawbacks. The first is that there will invariably be some ambiguity as to which animals deserve what rights. If you’re defending animal rights “in the abstract,” your definition won’t be sufficiently detailed to delineate which rights are given to a dog versus a rat. Depending on how it’s framed, an objection like this might not refute your position, but it exemplifies the sort of intuitions you’ll need to be prepared to combat in cross-ex (and in your judge).

The second drawback is that this framework can put you in a precarious situation in dealing with disads and counter plans. On the one hand, if you say you don’t have to answer this kind of argument (because you’re only talking about justice on a theoretical level), you’ll almost certainly incite a theory debate (anyone planning to run a counter plan probably has reasons why they should be allowed to do so). On the other hand, if you “let” them run disads or counter plans, you’ll have a hard time weighing the theoretical impacts of animal rights against something like the lives saved by doing cancer research on animals. Because of this possibility, a case that uses an entirely theoretical framework must have very well developed standards and the standard should be deontological.

In a plan-based approach, “recognition” probably requires an institutional change in animal welfare policy. While this creates the additional burden of offering an implementation, it affords you access to far more concrete impacts. Besides, it just requires saying something like “eliminate factory farming practices x, y and z” which should be easily accessible in the topic literature. In this case, “recognition” means something like “formal or institutional protection of”. An advantage of this approach is that it legitimately limits what types of animals and rights you have to defend.

The most common issue I see arising with plan affirmatives is the problem of “motivation” for protection animal rights. For instance, a plan that says “eliminate factory farming practices x, y and z” because doing so will benefit the environment, is healthier for humans and limits animal suffering. On the surface, only “limits animal suffering” seems directly related to animal rights.

The others don't affect the welfare of the farmed animals (at least directly) and don't seem to be done for their benefit. The problem then becomes if you've proven an obligation to minimize animal suffering, then the need to eliminate factory farming is merely an implication of this claim and not a position unto itself. The next section will deal with the issue of framing animal rights.

"...of animal rights."

Successfully debating this resolution (especially affirming) will require a strategy for delineating animal rights and animal welfare. I predict that it will a very common negative strategy to argue that recognizing animal welfare rather than rights better solves the harms in the AC. This debate could be very tedious (at its worst), but can be done well or strategically avoided altogether. This section will focus mainly on affirmative strategies for resolving this issue.

The most straightforward, though not necessarily best, solution is to adopt a whole resolution approach and affirm with a deontological, rights-theoretic approach. There are plenty of authors (Tom Regan, Gary Francione among others) who argue from this perspective. The approach, at least logically, circumvents the welfare debate since it rejects the notion of weighing types or degrees of suffering. This is certainly a good stock position, but any well-written welfare negative will be designed to answer this type of argument. For one, you run into the problem of reconciling competing rights claims (especially between human rights and animal rights). In addition, these positions probably entail radically reformulating current policies with regard to animal care and so link into nearly every disadvantage imaginable. The point is, if you take this approach, you'd better have strategies for dealing with massive spreads.

Another, somewhat similar, approach is to advocate for the adoption of particular legal rights. The line between animal welfare laws and animal rights laws can be blurry, but if you propose specific legal protections, I think you'll be ahead on the definitional debate. This position makes the most sense as a plan ("give animals legal rights x, y and z...") but doesn't have to be. The biggest advantage is that generic negative positions advocating animal welfare rather than rights probably aren't responsive. Embracing an ethical system that contains provisions for animal welfare usually isn't incompatible with giving animals specific legal rights. The disadvantage would have to be specific to legal rights or contain an outright criticism of rights in general. Justification for this approach is well-grounded in the definitions of "recognize." As I mentioned earlier, it's reasonable to interpret "recognition" to mean formal protection of. In fact, this gives the affirmative a slightly stronger burden than other definitions.

A third approach, that could be combined with the previous one, is to construe rights as a legal or philosophical fiction that provide an effective mechanism for defining and respecting the boundaries of animal welfare. This would consist of a framework argument that basically argues that the best (or simplest or most effective) way to frame animal welfare policy is in terms of concrete rights. This definition doesn't so much approach the resolution from a rights-theoretic approach as it just slaps a rights "label" on good things. You can even construe rights in a way that simply forbids practice that yield unjust ends.

This exceedingly broad definition of rights gives you access to an array of impacts and avoids the issue of whether something has to be rational to be a rights holder. That said, at least in the research I done so far, it doesn't seem that this definition is very common in the topic literature. Good opponents will (or at least probably should) run topicality and some judges might see it as a shifty definition.

Affirmative Positions and Strategy

In this section I'll briefly describe some possible affirmative positions and their strategic advantages and disadvantages. I'm not going to discuss specific ideas for plans in depth because there are so many and you really just have to read about them—factory farming, cosmetic testing, commercial fishing, deforestation—take your pick and there's probably a way to turn it into a workable plan. My list of positions is by no means exhaustive, but chosen to illustrate particular strategic and conceptual tools for approaching the resolution.

Singer's Utilitarianism

This will be a very common position on this topic. A brief summary for the unacquainted: Singer advocates a utilitarian ethical system focused on the minimization of suffering. His approach is not explicitly rights-based, advocating, instead, for "animal welfare." Singer doesn't argue that humans and non-humans should receive identical treatment, but that their suffering is comparable. From the horse's mouth¹:

Nearly all the external signs that lead us to infer pain in other humans can be seen in other species, especially the species most closely related to us--the species of mammals and birds [...] In addition, we know that these animals have nervous systems very like ours, which respond physiologically like ours do when the animal is in circumstances in

¹ Singer, Peter. *Animal Liberation*, 2nd edition, New York: Avon Books, 1990, pp. 10-11.

which we would feel pain [...] Although human beings have a more developed cerebral cortex than other animals, this part of the brain is concerned with thinking functions rather than with basic impulses, emotions, and feelings. These impulses, emotions, and feelings are located in the diencephalon, which is well developed in many other species of animals, especially mammals and birds.

Advantages: Singer's *Animal Liberation* is the "bible" of the animal welfare movement for a reason—his position is well-argued and surprisingly intuitive considering the radical changes in animal welfare policy that his views demand. His comparison of animal suffering to the suffering of developmentally delayed humans is particularly intuitively lurid. Absolutely no one thinks it's just to eat or otherwise abuse humans regardless of (or even because of) their mental faculties.

This will be a good way to set up the standards for a plan because it gives you access to many kinds of impacts. Singer calls for the minimization of suffering of both humans and non-human animals which lends itself well to plans with environmental or human health impacts. You claim a net benefit in minimizing the suffering of animals that are, for instance, no longer subject to inhumane farming practices, and a net benefit for helping people too.

Disadvantages: The flipside is that you're opponent can link in just about any impact as well. That's part of why I think this moral framework is particularly suited to plans so that you can legitimately limit which negative positions are competitive. And, going along with "every negative impact links" is "every negative block works." Everyone has generic utility blocks (most of which are legitimate responses to Singer) in addition to it being a very common argument that will be thoroughly blocked out even early in the topic.

Regan's Subjects-of-Life

Lisa Kremmer² explain Regan's notion of Subject-of-Life:

Subjects-of-a-life have an experiential welfare because they fair better or worse, depending on circumstances. Those with an experiential welfare have certain things that are "in their interest." That which is in someone's interest is that which is "necessary if we are to have a minimally satisfactory existence, both physically and psychologically." People have an interest in being healthy—in fairing better rather than worse.

² Kremmer, Lisa [Montana State University]. "Empty Cages: Facing the Challenge of Animal Rights, and: Animal Rights, Human Wrongs: An Introduction to Moral Philosophy (review)," *Human Rights Quarterly*, Volume 29, Number 1, February 2007.

In Regan's view, human and non-human animals alike are subjects-of-life in that both have a vested interest in and preference regarding how to direct their own lives. Kremmer³ again:

Regan realized that if our rights are rooted in who we are, and if other animals are similar in morally relevant ways, then they also have rights. If it matters to an animal what happens to her or him in life, that animal is also a subject-of-a-life, and she or he also has basic moral rights. [...] He supports his claim that animals have interests from several different angles: "Common sense supports it. How they behave supports it. Their physiology and anatomy support it." Philosophic consistency requires that all subjects-of-a-life be granted the same protection because "relevantly similar cases should be judged similarly."

Advantages: The most direct advantage of this position is Regan's firmly rights-based approach to the treatment of animals. This avoids the need for the tricky framework arguments to "magically" transform Singer's welfare into rights. Additionally, this position puts you on good strategic ground for dealing with negatives that argue something like rationality is a requirement for rights. Regan's position, if sufficiently developed, provides reasons why "rationality" isn't necessary for being a subject-of-life.

Disadvantages: Beyond being a predictable argument due to Regan's prominence in the animal rights debate, the position faces the additional burden of being susceptible to, perhaps even magnifying, most criticism of deontology. The problem of resolving rights claims in conflict is even more troubling given the increased inclusion in what constitutes a moral agent. Regan provides some guidelines for resolving particular kinds of rights conflicts but his solutions lend themselves to the claim that deontology collapses into consequentialism, especially in this case. Beyond this, the implications of Regan's ideas are particularly far-reaching in terms of condemning practices deemed acceptable in the status quo (according to Regan, no subject-of-life can be used as a means to an end if it can be avoided).

Ecofeminism

It's important to note that ecofeminism is a broad term that encompasses many (related) worldviews. The theory has a complex and dynamic intellectual history and has undergone many revisions since its inception. As Greta Claire Gaard⁴ notes, "In the past two decades ecofeminism has developed so rapidly that the time for a broad review of it has already passed; even recent

³ Kremmer, *ibid.*

⁴ Gaard, Greta Claire [University of Minnesota-Duluth]. "Vegetarian Ecofeminism (Review)", *Frontiers: A Journal of Women Studies* 23.3 (2002) 117-146.

taxonomies do not adequately describe its internal variations.” For this reason, it may be more strategic not to embrace ecofeminism wholesale (whatever that would entail), but to borrow ideas from the theory to construct your own position focused on liberatory politics. In any case, Karla Armbruster⁵ explains ecofeminism in the following way:

[...] most contemporary ecofeminists explicitly reject essentialism, basing their philosophy instead on the general conviction that important connections exist between the oppression of women and the destruction and misuse of nonhuman nature within male-dominated cultures. They tend to acknowledge the social construction of these connections and to understand that different women experience them in different ways.

In short, the main idea is that the mindsets and institutions responsible for the subjugation of women are the same mindsets and institutions employed to justify humans', especially male humans', dominance over nature.

Advantages: This is a fairly novel position that should, either directly or with a little extrapolation, refute many stock negative positions. For instance, it rejects the necessity of rationality as a basis for rights arguing that it's an exclusionary concept constructed to marginalize the politically powerless. Ecofeminists argue⁶, instead, that “the combination of sympathy and a reasoned analysis of cultural and political contexts that provides a more reliable guide to ethics and action.” In general, any negative position that advocates (even implicitly) a human animal dichotomy will be susceptible to ecofeminist critique.

Disadvantages: As previously mentioned, ecofeminism is far from a single, coherent theory. Early ecofeminist views relied on overtly (even intentionally) essentialist reasoning opening them to many legitimate criticisms. In addition, most contemporary ecofeminists reject rights discourses as yet another exclusionary and masculine institution, the vestige of hundreds of years of male dominance in philosophy and political theory. Moreover, as with many “critical” positions, it can be difficult to draw concrete impacts from the ethical mindset shift ecofeminists call for. Many judges won't, for instance, be convinced that deconstructing rhetorical binaries is more important than cancer research.

Deep Ecology

⁵ Armbruster, Karla [Webster University]. “Feminism and Ecology (Review),” NWSA Journal 12.1 (2000) 210-216.

⁶ Gaard, *ibid.*

Deep Ecology is a school of thought that all living things are interconnected and we ought to value biodiversity above all else. Cary Wolfe⁷ summarizes the worldview:

the Deep Ecology philosophical platform may be boiled down to this: the ultimate good is not harmony with nature, nor even holism per se, but rather something much more specific: *biodiversity*. Once this is recognized, we must affirm the *inherent value* of all forms of life that contribute to this ultimate good, and we must actively oppose all actions and processes by human beings and their societies that compromise these values.

The implication of this value set is that all animals have the absolute right to exist and any corollary rights to ensure that this moral imperative is fulfilled. This could be formulated as a negative position, arguing the concept of “animal rights” further entrenches the human/animal binary, but I think the theory lends itself more to the “spirit” of the affirmative.

Advantages: Most debaters don’t have A/T Biodiversity in their generic file, unlike the standards that many affirmative cases will employ on this topic. And no one will accuse you of not caring about the environment.

Disadvantages: Crazy people love deep ecology, including radical environmentalists and eco-terrorists. Most advocates want to change nearly everything about modern society advocating, instead, for a sort of eco-anarchist hunter-gatherer community. This isn’t to say that no one should run a deep ecology position—just be aware that the movement comes with a lot of baggage and has a lot of radical views.

Negative Positions and Strategy

Again, this list is by no means comprehensive. And like my list of affirmative arguments, I’m not going to talk about specific disads or counter plans because there are too many and you just have to read about them. When formulating arguments of this type though, think what “can’t” you do if you give animals rights? Eat them? Do important research on them? Keep them as pets? I think the best disads and counter plans will focus on the impracticality—economic, ethical, infrastructural—of recognizing animal rights.

Carl Cohen: Animals Aren’t Moral Actors

⁷ Wolfe, Cary [University of Indiana]. “Old Order for New Ecology, Animal Rights, and the Poverty of Humanism,” *Diacritics* 28.2 (1998) 21-40.

I'll let the man speak for himself⁸:

Humans confront choices that are purely moral; humans--but certainly not dogs or mice--lay down moral laws, for others and for themselves. Human beings are self-legislative, morally *autonomous*. Animals (that is, nonhuman animals, the ordinary sense of that word) lack this capacity for free moral judgment. They are not beings of a kind capable of exercising or responding to moral claims. Animals therefore have no rights, and they can have none. This is the core of the argument about the alleged rights of animals. The holders of rights must have the capacity to comprehend rules of duty, governing all including themselves. [...] Only in a community of beings capable of self-restricting moral judgments can the concept of a right be correctly invoked.

Advantages: This argument is straightforward and intuitive. And succinct (the paragraph above explains nearly the entire position). Another advantage is that Cohen is critical of animal rights in particular and not animal welfare. He outlines a set of specific requirements to be a legitimate rights holder that excludes animals but is compatible with showing compassion toward non-rights holders. As such, this position lends itself well to attacking Singer-esque arguments that justify animal welfare and not rights in particular.

Disadvantages: This position almost certainly implies that "marginal cases" (developmentally delayed or otherwise lacking mental faculties) are also not moral agents and not deserving of rights. This doesn't have to be a problem if you stick to Cohen's hard line definition of rights holders, but is intuitively troubling. Also, this argument will link into nearly every "critical" affirmative position.

Rights Come with Obligations

This position can be formulated as a social contract argument that rights are a social construct that comes out of the agreement between people, their government and their community. These rights are given on the condition that the recipient upholds certain duties to their fellow constituents. Animals are incapable of fulfilling or even comprehending such a notion. Roger Scruton⁹ explains:

Every legal privilege creates a burden on the one who does not possess it: your right may be my duty, and people who claim rights are also in the business of respecting them.

⁸ Cohen, Carl. "The Case for the Use of Animals in Biomedical Research", *New England Journal of Medicine*, vol. 315, issue 14, October 1986, pp. 865–870.

⁹ Scruton, Roger. "Animal Rights", *City Journal*, summer 2000.

Rights cannot be invented without also inventing the social and legal relations that enable us to uphold them [...] Rights ought not to be given but purchased, and the price is duty. You can have many things on the cheap; but the moral life isn't one of them. But this brings us face-to-face with what is, to my mind, the strangest cultural shift within the liberal worldview, one that promises to sow even more confusion than liberalism inherently requires: the growing advocacy of "animal rights." Properly understood, the concept of a right—and the attendant ideas of duty, responsibility, law, and obedience—enshrines what is distinctive in the human condition. To spread the concept beyond our species is to jeopardize our dignity as moral beings, who live in judgment of one another and of themselves.

Advantages: Again, this position indicts animal rights in particular and not animal welfare. Although, Scruton's views probably prescribe little, if any, moral obligation to animals. In addition, it is nearly uncontested that animals can't properly enter into contracts, leaving you with the straightforward burden of proving that rights are contractual.

Disadvantages: This position relies on a very specific definition of rights and doesn't work with other, looser (or simply different) definitions. If, for instance, the affirmative argues that animals have natural (rather than contractual) rights, this case is less effective. Again, this position links into every "critical" affirmative, probably even more so than the last position. This claim is aided by the fact that some of Scruton's other views fall somewhere on the spectrum of moderately to highly offensive including the claim that homosexuality is a moral perversion and similar to pedophilia.

Criticisms of Rights Theory

This position doesn't have to be a kritik, but certainly can be. This argument, or a variant of it, is a good option for debaters who cringe at Scruton's claim that "the concept of a right [...] enshrines what is distinctive in the human condition." The position operates by showing that rights are not the right way to guide just action implying that a. rights are not an appropriate guide for treatment of animals and b. rights reinscribe the injustices done to animals outlined in the affirmative case. I'm not going to give you particular authors for this argument, but I will say that if you go on Project Muse and search for "animal rights," or even just "rights," you'll probably find five applicable articles on the first page of results. The descriptions I give are not the only possible formulations of this argument.

This argument can be constructed in a number of ways. The first is basically a refutation of the previous contractualism argument. There is something deeply troubling about claims like “being a rights holder requires x” followed immediately by “group y can never fulfill x.” This line of reasoning may seem less problematic when animals are the group being denied rights, but historically “x” has meant being white, male, land-owning, etc. Rights discourses are inherently exclusionary by virtue of rights being an entitlement given to “qualified” parties.

Other criticisms of Rights Theory hinge on the idea that rights and rights conflicts abstract ethical relations to a comparison of arbitrary privileges and duties. It obscures the fact that morality resides in the space between subjects with physical bodies and shared needs. The codification of rights impedes meaningful interaction with, and allows for a starkly reductionist account of others.

Advantages: Every affirmative has to advocate for some conception of rights. Criticizing rights doesn't have to be a complete position, but can be formulated as link turns to affirmative arguments claiming to respect animal welfare. This position can be particularly effective against “critical” affirmatives like ecofeminism that claim to be deconstructing traditional institutions of justice.

Disadvantages: The impacts of this position are (probably) small and (definitely) obscure. It's very counterintuitive, for instance, to argue that animals are better off without rights when the affirmative is advocating banning cosmetic testing. In addition, this position could run into problems if the affirmative doesn't take a rights-theoretic approach and, instead, argues the rights a merely a heuristic mechanism for addressing animal welfare.

Conclusion

To be competitive at a high level on this topic, you have to be prepared for both philosophical and policy debates. I can think of very few issues where theory meets practice as closely as in the case of animal rights. That said, on this topic there won't be many rounds than come down to, for instance, comparisons of solvency evidence. This can be good or bad depending on how you like to debate, but worth noting as you focus your research efforts. As I mentioned in the first section of this topic analysis, I think that this resolution emphasizes, more than others, the importance of well-developed and precise standards and that winning such a standard will go a long way toward winning the round.

End note: I'd respect anyone who runs some kind of performance where all or part of their speech consists of making animal noises. This respect, however, will not translate to the ballot.

Topic Analysis by Ryan Hamilton

Introduction

I think that this is an interesting topic – animals and their behavior are fun to research, at the very least. The framework debates seem easy and straightforward, as discussed below. A lot of the work debaters will have to do is proving their contentions: do animals suffer in the same way humans do, or are they in possession of other traits that would qualify them for full rights protections. I have sketched out some arguments below that should help debaters draft case positions and give them ideas about what to expect from debate rounds.

Affirmative

Affirmative strategies seem to be easily identifiable: rights for human beings seem to be rooted in our ability not only to think rationally about moral ideas as a species, but also our ability to feel pain that is both emotional and physical. If this is true, we can certainly draw parallels in the animal world that would mean that animals have some kind of a claim against the sort of treatment that results in either emotional or physical suffering, or both. The criterion is relatively simple: minimizing the suffering of innocents. It's fairly intuitive that a moral system would want to minimize suffering of people who had done nothing to warrant ill treatment, and it also seems that minimizing the suffering of innocents is sufficient to have a moral system.

There is a tremendous amount of research that documents animals' – particularly great apes and other high functioning mammals – reactions to circumstances which might induce suffering in the wild and in captivity. While many folks might assume that dolphins might be the species most ripe for an extension of rights, the chimpanzee seems to be more studied, at least, and the conclusions of those studies have found that they live in basic societies with political institutions which aren't dependent on size or violence, that they develop political alliances and make complex decisions about whether or not to accept orphaned chimpanzees from others groups. They use tools, have opposable thumbs, and participate in violent and peaceful coups against the alpha male.

All of these elements are important because they erode the constructed differences between man and animal – there are clearly major differences between your average human and your average chimpanzee, but the idea that we are so far elevated that we owe nothing to our animal counterparts in terms of legal protections restraining our species from utterly disregarding the lives of

lesser animals, which are important to them if no one else, seems to me to be hubris in its most odious form.

More to the point, as a recent movie has illustrated, chimpanzees are more likely to be subject to truly brutal medical tests because their genetic composition is nearly human – indeed, they are our closest living animal relatives, sharing 99% of our DNA. It might be one thing for Bushmen in Africa to hunt chimpanzees or other great apes for pets or even to sell as curiosities to provide for their impoverished villages – but that is rarely the case. Corporations looking for subjects on which to test their specious concoctions fuel the trade of our not-so-distant cousins.

These animals are innocent from acts that might entitle them to this sort of treatment – indeed, they owe human beings nothing. We destroy their habitats, hunt them for profit (as opposed to subsistence), break apart their families, and when captured we often subject them to medical tests that would make even a coroner blanch. Justice, it would seem, would say that prisoners guilty of murder would be more fitting subjects of experimental tests, that their actions have resulted in that being their due.

One of the key components of this case, apart from the suffering, is to highlight that animals are innocents. They have done nothing to warrant their poor treatment except exist and fit in some unfortunate place on the list of human needs and/or conveniences.

But there are other arguments as well; ones that might help beat back negative arguments that are justified by utilitarian calculi. Justice requiring something may be a looser phrase upon closer inspection. Many believe that animals should be extended rights against brutality because of the sort of behavior it promotes in mankind. Reams of psychological papers have demonstrated that it is a very short step for an individual who is cruel to animals to become cruel to other humans. It's common knowledge that one of the three largest indicators for a future serial killer is cruelty to animals. Given the close psychological links that exist between those who are cruel to animals and those who are or will become cruel to humans, it isn't hard to deduce an ethic that prohibits inflicting suffering on lower-order animals because of the attitude it promotes among our own kind.

If a society is willing to accept the sort of treatment and suffering that is visited upon animals for testing – e.g., if we say it is acceptable for a corporation to devise a shampoo whose chemical compounds are so potentially dangerous that they need to be tested on an animal to ensure that the shampoo won't dissolve a person's flesh when being used - the utilitarian calculus by which persons decide at what point animal abuse is acceptable sets the threshold infinitely lower. It

may be acceptable to test a drug with a high probability of curing cancer that has been shown to have benign ingredients on a primate already suffering from cancer because it relates directly to that society's tolerance for individual cruelty for cancer.

A man who beats his dog to relieve stress can't be said to have any poorer of a justification than a company who burns the eyes and flesh of a rabbit to make sure their entirely unnatural solution won't be shut down by the FDA. We live in 2011, we've sent a man to the moon – we can design chemical compounds that are safe enough to render animal testing at that level wholly obsolete. If we want to get real about policies and ethics that promote peace and goodwill among we humans, then we can start by addressing how our society tolerates the treatment of animals purely as a means. That is to say, at what point do our many rational minds become more important than our primitive cousin's less rational minds? The answer seems to be that the more challenging that point is to reach, the more gentle a society we'll have.

To wit: we do not tolerate poor treatment of so-called "marginal cases". We make an exception to the condition of moral status – typically rationality – for a myriad of reasons that seem to make sense. The first is that if we start defining who is human and who isn't human on the basis of this disability or that, it starts to smell of eugenics very soon. We've decided that as a society and as a species that we include our disabled brethren as full status members, regardless of their abilities to contribute in a way that is usually required for moral status. This clearly demonstrates that the rule is neither hard nor fast – that if we have compelling enough reasons to make a decision independent of its deontological justifications, that we make that decision regarding who gets or doesn't get moral status.

To contend that animals are deserving of moral status because of the impact that the subsequent standards of treatment will have on human-to-human interactions, then, seems to make perfect sense.

Though I am typically skeptical of positions that urge the judge to sign their ballot for a reason external to the debate round, I would be remiss if I didn't touch upon (at least briefly) this thought that has been constant in my head since the topic were announced. The world seems to be, at least to me, on the precipice of recognizing that animals are entitled to a particular type of treatment that is consistent with a conception of animal rights – the more people find out about factory farming the more they are revolted with it. Horses in Nevada are rounded up by the use of helicopters of guns – and the people who don't have a direct financial stake in it strongly oppose it. This topic is like asking a judge on the eve of *Brown v. the Board of Education* to endorse the Board of Education's position.

Animals – particularly the high functioning type discussed above - deserve some kind of entitlement from mankind, independent of their obligations from us. Our high thinking status may indeed endow us with special abilities unique in nature, but with those abilities come similarly unique obligations to the world we populate. Life is a special thing – as far as we can tell, a very special thing limited to one spot in a galaxy so large it defies our comprehension. We participate in it, but we do not have ownership rights over it. Urging a judge to sign an affirmative ballot so they won't have to look back in 20 years and remember the time they sided with the oppressor seems fair to me, as far as external justifications go.

Affirmatives should be prepared to answer arguments about the distinction between animal welfare and animal rights – negatives will try to co-opt a lot of affirmative impacts by proposing that we just treat animals with some sense of decency. These arguments are answered easily enough – particularly if the affirmatives are winning case positions about suffering or some other inherent quality in animals that would translate into a rights claim from animals. If animals can suffer, they have a right against it, even if it is more convenient for human beings to just treat them in a manner consistent with their 'welfare' – it is about justice and what is required for it to exist, but about what arrangement best suits the convenience of mankind.

Negative

Negative arguments similarly reveal themselves easily: the questions of to whom are rights entitled are more accurately stated as on what basis do we award rights. Negative debaters will usually draw this line at rationality – it is after all, a distinctly human characteristic. The bright line for rights seems easy enough: the ability to acknowledge that they exist, to think about them abstractly, and to invoke them when it is appropriate. Animals universally cannot perform these functions.

Animals will get rights when they can draft a declaration of the entitlements they think they're owed, sign it, and promulgate it. This day doesn't seem to be in the near future. While human beings can be called distasteful or even cruel if they treat innocent animals in a way that is unbecoming, it is hard to say that they are violating that animal's rights – the animal has no idea what is going on, and if pressed, it couldn't show up in some sort of arbitration and make claims to any particular type of treatment.

Indeed, if we use the judicial system we have now as an analog, the entire idea of animal rights becomes preposterous. If my rights are violated, that is, if another person or the government mistreats me I can make claims in our institutions of justice for redress.

Since animals can make no claims to any type of treatment, they cannot on their own make claims to rights. This seems to fly in the face of the most basic concepts of rights. At the very best, the “rights” the affirmative is talking about are fictions that have no meaningful foundation in the rights claims that humans make – e.g., since animals are incapable of the abstract thought that grounds a human’s rights to life, property, speech or what have you the whole idea of granting them rights is a human-centric idea that has nothing to do with animals or justice but guilt complexes suffered by the more sensitive among our own species.

Animal rights are also deeply unnatural. Human behavior toward animals is mimicked in the animal world – some orca pods mercilessly hunt seals and “play” with them in the process of the hunt. Chimpanzees will sometimes murder a baby of a rival group in cold blood if they get the opportunity. Some beavers will destroy the natural forest habitat of other animals by flooding it. Why is all of that acceptable, animals treating other animals very poorly, but it becomes suddenly unacceptable when humans do it to animals? That isn’t consistent.

The idea of animal rights being extended to poor suffering beings who are only hurt by humans is certainly a creative fiction. Most animals capable of killing humans would gladly do so to satisfy their hunger. Other animals that are incapable of killing humans directly often spread viruses and bacteria that make short work of individuals and pose a threat to our entire species. Pigeons aren’t called flying rats because of a similar appearance, they’re so-named because they commonly carry huge numbers of bacteria, parasites, and viruses that can harm humans. Much of the spread of the diseases they carry comes not from human-bird contact, but from human-bird feces contact.

In short, human survival is anything but guaranteed. We do not live in a peaceful and safe planet where disease has largely been made an inconvenience by modern technology. To believe otherwise is a fatal conceit to which only citizens of the West are likely to succumb. It seems reasonable that animals should be spared from undue hardship or suffering whenever possible, but to grant them legal protections on the scale of rights equal to what the protections we grant our fellow humans is nonsensical and foolish.

Further, Justice might be an abstract concept, but its application is not. We develop courts with neutral arbiters and adversarial parties to try to get to the truth of a matter; typically a rights

violation. It would seem absurd to have two human parties conflicting over the rights they have bestowed on some animal who has no idea what is happening. More to the point, what sort of applications will the rights of animals have? If we affirm that animals have a base right to life, does this mean that I will no longer be able to slay an animal that I find tasty? What about exterminating pests or other creatures that bring disease and pestilence? All of those questions are ones that negatives should pose in cross-examination.

The very notion of culling creatures – either for animals own good or for the good of human beings (think of the peaceful cattle population of the UK that was put down en mass to avoid a further spread of mad cow disease) seems to be directly opposed to animal rights. Sometimes deer herds overpopulate the Great Basin region and, if not hunted, they will die slow and painful deaths of starvation. Rights that are asserted by other humans on behalf of those deer that protect them from the hunter ultimately end in that animal meeting a worse natural fate than it would have if it met a swift end.

As a final note, the item that I think negatives will have to be well versed on in terms of making defensive arguments are so-called marginal cases. If you decide to argue that rights are directly related to one's ability for rationality, marginal cases seem to me to be an enormous inconsistency that isn't easily explained away. The idea that these cases are granted rights by membership of the human species seems to be pretty tenuous at best. If rights, however, are more a function of utility and less some pie in the sky notion about rationality, the argument makes more sense: marginal cases are extended rights because 1) blanket protections make more sense and 2) marginal cases do not pose positive threats to humans in the same way animals do. If you'll permit me: we probably wouldn't grant rights to brain eating zombies, though they could surely be called members of our species who have some type of defect. The same is not true for those who suffer from mental retardation or another disability that deprives them of their rationality.

Topic Analysis by Dave McGinnis

Before I talk about anything else, let's talk for a moment about "permissibility." This is, apparently, a thing now. "Permissibility debates" are a lot like "skepticism debates" in that they have a single basic form but a million possible permutations. The basic structure is:

(A) Aff has to prove an obligation, if the action is permissible you negate.

(B) All actions are permissible because...

(C) So negate! Booyah!

What follows is inevitably a series of arguments about why permissibility actually flows aff (or an extension of the six-word spike from the middle of the AC that says permissibility flows aff.)

On this topic, permissibility seems to flow neg pretty clearly based on the wording of the resolution: the aff has to demonstrate that justice "requires" something, so if justice simply "allows" that thing, then you negate. Honestly, this shouldn't be that big a deal - any argument that successfully proves a requirement under justice beats back a permissibility position - but someone, somewhere seems to have decided that hashing out the "permissibility" of actions was a great way to debate, so just be ready for this.

This resolution is going to be trouble for the affirmative because there are a plethora of avenues for the negative to exploit vis a vis (A) "underlying assumptions" of the resolution, and (B) interpretational questions. The affirmative, to be successful, has to address all of the following issues in the framework of the AC:

(1) What does it mean for "justice" to "require" something? Is a requirement a legal necessity or a moral imperative or both? Must a requirement be enforceable? If so, what is the enforcement agent? There are a number of ways in which negatives can leverage this term. They may argue, for example, that justice can't "require" things because justice is a concept, not an agent. Or they may argue that justice advises or guides but does not "require." None of these is a particularly good argument, but in 2011 affirmatives have to be prepared for the possibility - even the likelihood - that these arguments will be made. Careful framing can avoid these problems.

(2) What does "recognition" mean?

The definition of "recognition" frames the affirmative's burden of advocacy. For example, if the affirmative defines "recognition of rights" as principled adherence to rights, then the aff has to defend that whatever agent (see below) cannot violate animal rights under any circumstances. That would involve defending a whole host of practical implications, depending on the nature or

range of rights. However, “recognition” might simply mean “acknowledgement.” We can acknowledge that some agent has rights, but still violate those rights under some circumstances. This is a semantic distinction; there’s probably not a strong substantive reason to prefer one interpretation of “recognize” over another (although there may be theoretical reasons.) Affirmatives might be tempted to argue that “recognize” only means the second, thinking that this will be an easier advocacy to defend because they won’t, for example, have to defend the idea that people can’t eat animals. Animals may have a right to life, they will argue, but that right can be overridden by the nutritional needs of humans. This approach is a double-edged sword, however, carrying at least two risks: (1) If the aff advocates recognizing but not necessarily adhering to animal rights, they might face some persuasive theoretical objections, and (2) if the aff advocacy doesn’t have some backbone to it, it will be difficult for the affirmative to claim any advantage - either utilitarian benefits or deontological rule-following, because under this interpretation they’re not actually advocating anything. So affirmatives might just want to bite the bullet and advocate actually adhering to animal rights.

(3) Who is the agent of action in the resolution?

Most LD resolutions imply pretty clearly that the agent of action is a government, often the U.S. government. This resolution has no such obvious implication. Some affirmative advocacies will require a clarification of this question; for other advocacies, it won’t matter. However, it’s important for the aff to have a clear understanding as they write their case whether their position is agent-specific, and, if so, how they justify advocating a particular agent. This is also going to complicate policy-style arguments. Since the resolution doesn’t specify an actor, does that mean that the aff can fiat recognition of animal rights by *everyone*?

(4) What rights are we talking about? And for that matter, what *are* rights?

These are two separate but important questions, and it makes more sense to tackle the second question first. It’s been a long time since we’ve had a topic which called on students to have a thorough understanding of basic rights theory (but believe me, back in the 90s when dinosaurs roamed the Earth and Bietz and I slugged it out on the MN circuit, “rights theory” was all the rage.) There are a number of different ideas about what constitutes a “right.” Natural rights theory suggests that rights exist naturally (thus the name) and that government simply observe, recognize, or protect them. The language of natural rights theory comes to us from the social contract philosophers who liked to say things like “man has rights by virtue of his humanity” (which could be a tough sell for the aff on this topic). But there are more sense-making defenses of “natural” rights based in meta-ethics and deontology, i.e. Kantian conceptions of rights suggest that rights exist independently of states but don’t rely on some kind of “magic humanness” as a justification.

On the other hand, some philosophers think that rights exist only as creations of states, i.e. we have rights because we exist in a political society and the law says we have them.

And, these two conceptions of rights are not necessarily mutually exclusive. It's entirely possible that there are some rights that people possess "naturally" or "pre-politically," like, say, the right to life; while other rights are socially constructed like, say, the right to vote (which doesn't make a lot of sense outside of a particular political society, because, what would you vote on?)

Also watch out for **critiques of rights**. There are plenty of arguments out there that say that for one reason or another, "rights" or "the discourse of rights" (or whatever) are actually sneaky political tools used to subjugate and oppress The Other (women, people of color, etc.) These more-or-less critical arguments could function as a turn to an affirmative position that is arguing for animal liberation through rights. The basic structure of the turn would be "but rights aren't liberatory, they're enslave-atory, so negate!"

So, what rights are we talking about? One online definition of "animal rights" that could bedevil affirmatives is:

"the rights of animals, claimed on ethical grounds, to the same humane treatment and protection from exploitation and abuse that are accorded to humans." [dictionary.com]

If it's the case that the aff has to defend "the same" protections that humans have, you can imagine some pretty horrible neg arguments ("Aff has to defend animal voting." \$5 bet: this argument will appear in the octos of Greenhill.)

The abusive approaches to this issue will abound. Affs will argue that they only have to defend a single right (and then may specify a particularly defensible right). Negatives will argue that affs have to defend animals having every conceivable right (since animals can't have religion, you must negate!) And while these approaches are execrable, it's difficult to imagine a really clear middle road.

The most common aff approach under deontology will be to refuse to specify any particular right or rights, and instead to prove that animals are "the kind of creatures that can be rights bearers." The question of *what* rights animals should bear would then be beside the point. The common approach under utility will be to specify some set of rights, probably identified in the literature, and then to argue that benefits will follow from granting these rights to animals.

(5) What animals are we talking about?

Kingdom Animalia is really, really broad. The phrase “animal rights” has a number of specific meanings in the field, but if you just look at what constitutes animals, you have two basic potential problems: First, people are animals. Second, so are sponges.

Given that (as previously mentioned) it is 2011, it is highly likely that some tricky affirmative is going to argue that since people are animals, and since everyone knows that the affirmative can specify whatever position they want, however narrow its approach to the resolution, that the affirmative need only defend rights for people (or perhaps certain rights for people. Free speech aff, anyone?)

The flip-side of this problem is that some negatives are going to assert that the affirmative has to talk about animals *in toto*, and that includes lots of creatures that are technically “animals” but that will never gaze lovingly up at you while you scratch their tummies and feed them kibble. The aforementioned sponge is an animal that lacks a central nervous system, skeleton, and brain; chances are, most of the arguments for why animals merit rights are not going to apply to it. Mosquitoes are also animals, and defending the mosquito’s right to life will be difficult in many parts of the country.

Both of these strategies (“I get to defend human rights” and “You have to defend sponge rights”) are fringe strategies and anyone brilliant enough to run them will probably be easy enough to beat. However, the larger problem still exists: seriously, *what animals* are we supposed to talk about? One popular aff approach will probably be to say that the aff wins as long as it justifies rights for any non-human animal, so you may see specific positions about apes, whales, or elephants (all of which are supposed to possess a number of human-like properties.) Less cognizant affs will probably just talk about the kinds of animals that commonly come up in the lit dealing with animal rights - companion animals, food animals, and research animals are likely candidates.

I don’t think there is a lot of interesting ground to be had quibbling over the range of animals to be discussed under the topic, so in my utopian dream world, debaters will all just grant that we’re talking about “animals on balance,” or something like that. But I doubt it, so be prepared to defend your choice of animals.

AFFIRMATIVE APPROACHES

The most stock affirmative approach will probably mirror the most common argument in the literature, which is basically that whatever characteristics humans have that make them worthy of having rights are also possessed by (at least some) non-human animals. Another approach to a similar argument is to reject the notion that whatever characteristics are “required” to be a rights bearer are actually required by pointing out that not all humans possess these characteristics.

This argument works like this:

- (1) It is axiomatically true that all humans are rights bearers;
- (2) Some humans, notably infants and the profoundly mentally disabled, lack reason, the ability to communicate, [fill in characteristic]
- (3) Thus, we can’t treat those characteristics as prerequisites for being rights bearers.

This argument makes sense and there’s a ton of support for it in the lit, but imagine how this argument will play out in round. The negative will either propose some *additional* characteristic necessary for rights possession, or they will offer some reason to reject animal rights that operates independently of this syllogism. Any such argument would probably come before the syllogism because the underlying assumption of the syllogism argument is that we ascribe rights based solely on inherent characteristics possessed by creatures.

Another affirmative approach is a net benefits approach, with or without specification. If the aff defines “animal rights” not as a deontological concept but rather as a policy or set of policies guaranteeing certain protections to animals, then the affirmative can simply argue that recognizing animal rights yields benefits. For example, one position that springs to mind is that “animal rights” prohibit factory farming and/or animal consumption in general, and then that the meat industry is destroying the environment, yadda yadda yadda, human extinction. There may be people who want to talk about the health benefits of veganism - of which there are many - but I’m not sure that the impact of that is large enough to justify a policy-style position. I’m not the expert on these kinds of cases, but it does seem to me that if you read evidence that said that veganism would extend the average life span by X number of years, then argued that the resolution would force everyone on the planet to transition to veganism, then multiply X number of years by the number of non-vegans on the planet, you would get a total number of life-years saved that would be very, very large, and might constitute a weighable impact. Just a thought.

NEGATIVE APPROACHES

The first thing a lot of negatives are going to think of is tricky approaches to negating. There are a lot of potential bugaboos in this topic, for example:

- Rights don’t exist

- Rights are tools of political manipulation
- Aff has to defend all animals and sponges don't have rights
- Justice, being a concept, can't "require" anything
- Aff has to defend all rights, and animals can't vote

There was a time, between about 2007 and 2010, when it was safe to assert that these kinds of arguments would only be made by the lowest common denominator of debater and that therefore, you didn't need to worry about prepping these arguments. But the "dumb a priori" appears to have made a roaring comeback, so it's a good idea to be prepared to deal with these kinds of things, most likely in the one-sentence-read-at-400-wpm format. (Of course, there was also a time, between, say, 2003-2007, when these types of arguments constituted most teams' primary negative strategy. Go figure.)

Actually, I don't think the argument that "rights are tools of political manipulation" is all that squirrely. There is a lot of interesting discussion in the literature of the nature of political rights and the kinds of roles they construct for rights-holders. Some of this is vaguely critical and some of it is more straightforward, but if the affirmative's position just blithely assumes that "rights" are uncontroversially good and that "having rights" is the best thing that can possibly happen to anyone, a negative position that calls into question the awesomeness of rights could be really strategic.

More stock negative strategies will likely mirror affirmative strategies, laying out particular characteristics for the status of rights-holder and then arguing that animals don't have those characteristics. For example, one popular negative argument is sure to be some kind of contractarianism, arguing that rights can only arise from contracts between mutually consenting rational actors, and that since animals can't enter into contracts, they can't have rights. Of course, this argument will interact fairly cleanly with the whole "that would deny rights to babies" argument, but I expect most negatives will happily bite the bullet and say, "Fine, babies don't have rights. Boom!" So if I were affirming on this topic I would be sure to be prepared to explain either why (A) contracting isn't necessary for rights, or (B) animals can be party to contracts.

If you accept this structure of argument:

- (A) There is a set of characteristics that justify one being a rights bearer which includes Characteristic X;
- (B) Animals lack Characteristic X;
- (C) Therefore, animals can't be rights bearers.

...Then the range of possible negative advocacies is as infinite as the creativity of negative debaters. The list of characteristics commonly discussed in literature on the subject (the ability to make claims, rationality, sentience, the ability to suffer, the ability to communicate, etc.) is fairly short, and affirmatives would do well to be prepared to defend the notion either that (A) these characteristics aren't necessary to bear rights or (B) animals have these characteristics. But beware of even granting the validity of this approach, because no matter how thoroughly the affirmative case establishes that animals have all the relevant characteristics, there is no way to exhaust the possible, conceivable list of characteristics that **might** be key to rights possession, and a creative neg will always be able to come up with one ... more.

I don't think the neg has as much ground on the utility debate as the aff does. I mean, no meat-eater wants to give up eating meat, but given what I've read on the topic, this is probably a vastly irrational decision. I eat meat because meat is tasty, so there is a benefit to me of eating meat. But the benefit is just "I like tasty things." It is apparently also true that (A) eating meat means I'm going to die like a decade earlier than I otherwise would, and (B) supporting the meat industry means that I'm going to live out my shorter lifespan in a feces-soaked, super-virus plagued, chemical-altered world filled with mutants and morbidly obese 6-year-olds. So on a purely utilitarian basis, the advantage probably goes to the vegans. Bring on the tofu.

Topic Analysis by Adam Torson

This year's September/October topic is very broad. That is good in that it gives you a number of directions to go, but challenging in that it creates the possibility of many rounds devolving into interpretive issues and 'gotcha' definitions. To avoid that you will have to be prepared with a clear, concrete, and reasonable interpretation for both sides, and with substantive strategies against a broad array of positions.

Interpretation

A. "Justice"

A standard strategy will be to articulate a traditional conception of justice and argue that animals do or do not fall within that conception. For example, the affirmative might argue that a Rawlsian conception of justice requires protecting the interests of the least advantaged, and that therefore animals (especially higher order primates) who are disadvantaged in relation to humans should be protected. The negative might reply that animals do not have "interests" in the same way that humans do and so should not be included. These basic dynamics could govern lots of rounds; a conception of justice identifies morally relevant characteristics and the debate is over whether animals possess those characteristics.

When employing this approach be careful that your case position does not beg the question. A plausible interpretation of the resolution is that the very issue at stake is the appropriate definition of justice – i.e. are the anthropocentric assumptions of most theories of justice appropriate? For a negative debater to say "this is the definition of justice and it does not include animals" may be assuming precisely what the resolution calls into question.

B. "Requires"

Presumptively if justice permits but does not require the recognition of animal rights we would negate the resolution. In other words, justice must mandate that animal rights be recognized. That permissibility flows negative is a fairly common occurrence, but the rather explicit use of the word "requires" may tempt people to employ this argument more than is usual. It will definitely pay to have a strategy prepared in response.

C. "Recognition"

To “recognize” a right could have at least two meanings. One would be simply to enforce the right – e.g. when a court recognizes my rights under a contract they compel the other parties to fulfill their promises. The other would be to acknowledge that an entitlement exists in the abstract, but with the caveat that it may not be enforceable depending on the circumstances. This is most relevant when rights conflict. We recognize the right to freedom of speech and recognize the right not to be slandered. When they conflict we have to choose to enforce one right over the other, but this does not mean that we don’t recognize both. In the context of the resolution, the affirmative might say that in the abstract a tiger has the right not to be killed, but when it has its jaws on the trainer’s neck the trainer certainly has the right to defend himself. A recognized right gives way to a stronger recognized right.

That said, it would seem illegitimate to say that one has “recognized” a right when there is no possibility of enforcement. For instance, the affirmative ought not to be allowed to argue that animals have rights but that human wants and needs always trump those rights. This is the practical equivalent of saying that animals have no rights at all, because they could never be enforced.

When thinking of the resolution as a sort of categorical truth claim, the most straightforward interpretation of the resolution seems to be that “recognizing” animal rights simply means acknowledging that animals have moral interests that humans are morally obliged to take into account when making decisions (this description is dependent on the discussion below of what counts as a “right”). When using the resolution as a jumping off point for a plan or otherwise parametricized advocacy, it seems more natural to argue that recognizing a right means giving it practical effect – e.g. regulating factory farming to make it more humane.

D. “Animal”

The first obvious interpretative question is what counts as an animal. A simple taxonomic definition of the term seems problematic for several reasons. First, there are multiple systems of taxonomy which potentially place different creatures in different kingdoms. For example, most modern taxonomy employs six different kingdoms which would distinguish not only animals from plants but also fungi, bacteria, protista, and archaea. Alternative taxonomies are both more and less precise. Second, under most taxonomic classifications humans are counted as animals. It is implausible to suggest that the resolution intends to ask whether justice requires recognizing the rights of humans, because colloquially the term “animal” is distinguished from the term “human” and because the term “animal rights” tends to refer to non-human animals. Third, any scientific

taxonomy will acknowledge that at some level the criteria which distinguish different kingdoms from one another are chosen arbitrarily or for ease of classification. They are not in any meaningful sense “natural” categories and therefore their moral significance is doubtful.

There are many dictionary definitions which are less scientifically precise but probably more reasonable than strict taxonomy. Given the broad array of acceptable definitions, the key as always is to determine which makes the most sense in context and which divides ground most fairly and coherently. For instance, the phrase “animal rights” is a term of art; it has a meaning that is more particular than just “the rights afforded to animals.” Relatedly, the literature treats the question of whether humans have rights and whether animals have rights as different questions.

In addition to determining what the appropriate definition of “animal” is, debaters will need to interpret whether showing that some animals have rights is sufficient to affirm. This will be important because obviously animals have many diverse characteristics and it seems difficult to say categorically that ALL of them should have rights, let alone the same rights. Creatures with fairly sophisticated cognitive features like primates and dolphins seem more deserving of rights than other creatures, for reasons which will be discussed below.

There are a variety of ways to address this question. First, does “animal rights” as a term of art limit the range of animals in question? It seems likely, for instance, that the term is usually limited to animals who are the targets of specifically criticized human practices like medical testing or hunting. Second, this is a case where the resolution could plausibly be read to require demonstration of *some* animal rights rather than *all* animal rights. In other words, one could argue that the resolution questions whether or not rights are a social construct which can only meaningfully be applied to humans or whether it makes sense at least sometimes to apply them to animals. Third, perhaps the nature of justice limits the scope of what animals we are discussing. For instance, if justice only speaks to the relationship between potentially rational creatures, then perhaps it makes sense to talk about the resolution in terms of what animals possess some cognitive capacity which we might or might not say is “rationality.”

E. “Animal Rights”

There are several important interpretive issues relating to the phrase “animal rights.” As indicated above, it can be a term of art referring to a particular political and social movement that criticizes a particular set of social practices, e.g. factory farming, animal testing, etc. This interpretation would probably suggest a very particular set of practical rights – e.g. the right of cattle to have ample space to graze.

If you choose to ignore that it is a term of art the resolution could simply be read to implicate more than one right for an animal. While I think this is a weak interpretation, you should be prepared to deal with case positions that are hyper-specific and claim they need only show that any animal possesses at least two rights.

Third, you might argue that as a social construct any normative interest can be expressed in terms of a “right.” For instance, you can argue that utilitarianism expresses a “right” to the maximum pleasure and the minimum pain consistent with that same right in others. In the context of animal rights the argument would be that the resolution is simply asking whether animals have moral interests which we are obliged to account for. This will open up the kinds of normative theories the affirmative might employ beyond traditional rights theory.

On the other hand, rights could be interpreted more traditionally. Employing the typical conception of rights we would probably say that an animal right is a moral claim that can be advanced by an animal or on an animal’s behalf (the analog for the latter would be a parent asserting a right on behalf of her child). Under this conception, many arguments for treating animals more humanely would not affirm the resolution because they would not be justified by the animal’s entitlement. For example, hunting limits aimed at maintaining a healthy population for future hunting would not affirm because it is based on what is good for humans rather than what is owed to animals. Similarly, a prohibition on treating animals cruelly motivated by the desire to foster virtue would be based on how we want humans to act, not what animals deserve. In essence, the question is whether non-rights based ethical theories like utilitarianism or virtue ethics can suffice to affirm the resolution.

Another way to think about rights would be in a more practical and a less theoretical sense. Rights might simply be any legal entitlement – a claim that could be asserted in court. Regardless of the philosophical or metaphysical bases of rights theory, if an entitlement claim could properly be acted upon by law enforcement then it seems reasonable to call it a “right.” For example, if federal laws protect the habitats of endangered species, and that entitlement can be claimed in court by people opposing incursion into those habitats, one might plausibly claim this is an “animal right.”

There are two major points that you should take away. First, rights theory talks about rights in many different ways. A huge proportion of the arguments on this topic will be arguments by analogy – a particular quality gives humans rights, and so it must logically also give animals rights. Second, rights are social constructs. Their meaning is often dependent upon particular

social contexts. Consequently, you should think not only about the philosophical basis for giving rights but also the legal and practical bases.

Affirmative Positions

A. Animals share morally relevant characteristics with humans.

As I indicated above, a central strategy will be arguments which analogize animal cognitive functions to human cognitive functions and claim that this entitles them to certain kinds of rights. There are many different characteristics which you might argue are morally relevant such that animals are deserving of rights.

Rationality is one such quality. Kantian moral theory tends to view humans' rationality as central to their inviolable moral status. Historically, philosophers have tended to believe that the ability to reason was unique to human beings. Modern science calls this assumption into question. Rather than a strictly dichotomous view of rationality – either you are rational or you're not – today we tend to think of rationality as a spectrum. The various qualities which we associate with reasoning (including problem solving, deduction, and the ability to apply knowledge to new situations) can all be observed to some extent in many animals, especially primates. What has in the past been interpreted as an instinct-governed drive to meet basic needs can often be reinterpreted as a rational choice to pursue self-interest. Conversely, human behavior which we attribute to "rationality" can often be accurately redescribed in terms of instinctual or evolutionary behavior.

Another quality which might be deemed morally relevant is the ability to feel emotion. There are various philosophical bases for this; some theorists even go so far as to claim that all moral claims are merely expressions of emotional approval or disapproval. To the extent that we distinguish emotional decisions from instinctive ones, emotion also makes animals seem more like humans, at least insofar as they can experience happiness or unhappiness and emotional connections to biologically related creatures. Many animals seem to experience emotions that are similar to human emotions, although critics often charge that researchers interpret the data with an anthropocentric bias. However, brain structures and brain activity scans seem to demonstrate more and more that some animals experience emotion in what might be deemed a morally relevant sense.

Another set of cognitive functions which might be deemed morally relevant is the ability of animals to have thought or to be conscious. There is a very dense literature on different ways to conceptualize these concepts, and it will be well utilized during this topic. For instance, the

concept of consciousness is often divided into two distinct cognitive phenomena – “phenomenal consciousness” and “self consciousness.” The former refers to a creature’s ability to experience reality in a distinctive way, while the latter refers to an animal’s ability to reflect on its own mental states – i.e. recognize itself as a thinking being. To the extent that animals have some form of consciousness, they seem more like humans and less like inanimate or “unconscious” objects like trees or rocks.

Finally, animals share with humans the ability to feel pain. For utilitarian arguments in favor of animal rights this fact is of supreme importance. To such theorists all pain is created equal – there is no reason to privilege the suffering of humans over the suffering of animals. Both should be weighed according to the same metric. Insofar as physical pain can be inflicted on animals, the argument goes, they should enjoy some protection from unwarranted suffering. This accords with the reasonable intuition that any unnecessary pain is a moral evil.

B. Factory Farming and Humane Meat

The animal rights movement has made factory farming practices notorious. Often animals are caged in tiny spaces, fed unhealthy diets and given unnatural drugs, subjected to torturous pain, separated from offspring, and generally live short lives of extreme boredom. The emotional power of this frightening spectacle has been the catalyst to mobilize the public to impose regulations on factory farming practices, though activists will argue that we haven’t gone nearly far enough. In addition to regulations, a number of firms now participate in a system to certify that their product is “humane meat,” meaning that it satisfies certain criteria requiring the animals to be treated humanely and killed painlessly. Certification is controversial; many activists say there is no such thing as humane meat. Nonetheless both regulation of factory farming and certification of humane meat are viable affirmative positions.

The obvious answer to this argument will be claims about the need to have efficient farming practices to maintain the food supply and arguments along this line. The literature includes a number of answers to this objection, including the claim that land devoted to cultivating animals could be used much more productively for agriculture.

There are a number of potential advantages to positions like this. While the affirmative advocacy has to give animals rights in some way to be topical, that doesn’t mean that the only affirmative argument can be that animals are properly rights-bearers. Remember, advocacies have to be topical, but advantages stemming from them are virtually unlimited. Consequently, the affirmative will likely cite scholarly evidence that factory farming substantially contributes to global warming,

and also that the same land used for agriculture is much more productive of food than when the land is used for raising animals or growing their feed.

C. Animal Experimentation / Vivisection

There are a variety of objections that affirmatives could raise to the practice of vivisection, or using animals for experimentation. For the most part this experimentation is for medical purposes, but has also infamously included cosmetics testing among others. Some of this research is quite gruesome. Animals subject to such experimentation can suffer substantial pain. Often researchers are not competent to administer pain medication appropriately or fear that doing so will compromise their research. It seems intuitively wrong that animals should be bred for the specific purpose of feeling pain for the sake of human research.

Again there are additional advantages to advocating for regulation of animal experimentation. Many argue that the biological dissimilarities between humans and most animals make the results of animal testing unreliable, and cite several examples of where animal research has led scientists astray. They also argue that the availability of animals for experimentation prevents the development of alternatives which may be more accurate and less morally offensive. Alternative modes of medical testing have in fact replaced a fair amount of animal testing.

D. Animals are not property.

Domesticated animals are generally understood to be the property of human owners. Critics charge that this comfortable euphemism has justified some of the most egregious moral failings in history, such as the practice of slavery. Insofar as animals are property, we generally would not say that they have rights, and perhaps *vice versa*. This means that claims which limit the way property can be utilized – e.g. laws preventing animal cruelty – may be good indications that it is not property at all. It would be nonsensical, for instance, to pass a law preventing me from being cruel to my pencil. The pencil lacks qualities we find morally significant, and so we regard it as no more than an object to be disposed of as I wish.

These questions can be applied to a number of specific instances. “Working animals” are used by police, farmers, therapists and others. There are many animals kept in zoos or which perform in circuses, often in substandard conditions. As indicated above, many people have domesticated pets like cats and dogs. If animals have some intrinsic moral worth and thus should not be regarded purely as property, are these kinds of “ownership” appropriate? The affirmative may contend that they are not or at least that they should be restricted in some way.

E. Human Overpopulation and Habitat Destruction

A longstanding ecological concern is the expansion of human populations, both in terms of population size and geographic extension. As the human population grows, we consume more resources and occupy more of the physical space on the Earth's surface. This crowds out other species and often destroys their natural habitats. The issue is multifaceted enough to provide many different potential affirmative arguments. Programs to limit urban sprawl, increasing the number and size of protected wildlife regions like national parks, international efforts to slow population growth, and endangered species protections are all possible angles on affirmative positions.

F. Vegetarianism and Veganism

Many people make ethical choices about what kind of food they are willing to eat. Vegans, for instance, avoid eating animal products, and vegetarians avoid eating meat. There is a panoply of variations on those themes. If you frame the resolution in terms of a personal choice – whether individuals should regard animals as having rights rather than some policy initiative on that assumption – a plausible AC is to argue in favor of these kinds of ethical choices in relation to diet. Incidental advantages to such a position might be claims that these diets are healthier than the alternative.

G. Over-fishing and Hunting

Many people regularly interact with animals through outdoor activities like fishing and hunting. Many criticize these practices as cruel. On a larger scale, commercial fishing operations have depleted fish stocks and dramatically changed underwater habitats. It is somewhat questionable whether advocacies to regulate these practices are topical, but it is certainly plausible that such positions could be framed in terms of animal rights.

H. Fur

One of the more high profile causes of animal rights movement is the campaign against the use of animal fur in clothing. Activists are known to throw red paint on celebrities wearing fur coats at public appearances. These positions would build on the theme that unnecessary suffering should be avoided. The use of animals in fashion when there are ample alternatives available would

seem to require needless killing. Thus regulation on the use of fur, especially in clothing, may be a viable position.

Negative Positions

A. Animals lack characteristics necessary for them to have morally salient interests.

This position is the flip side of the affirmative position which says that animals are like humans in ways that make their interests morally relevant. These positions will generally accuse affirmatives of anthropocentrism – the tendency to interpret animal behaviors by analogizing them to human behaviors rather than trying to understand them organically. In general the negative will argue that animals lack culture and cognitive functioning that is equivalent to humans. The negative will content that animals lack one or several characteristics which are necessary to saying that they have rights in any meaningful sense.

Classical philosophers have long held that animals lack rationality. As indicated above, this is a touchstone of moral worth for various schools of ethical thought, most notably those deriving from the work of Immanuel Kant. Even animals with very sophisticated brains, like primates, are unable to master the basic reasoning necessary to use highly developed language, let alone to engage in the kind of complex social interactions humans do. Their behavior, this position would hold, may be remarkable for animals, but is far closer to instinct than to rational human choices.

A related argument is the claim that animals don't have beliefs. Some philosophers maintain this claim for various reasons, e.g. that animals are unable to use language. This is important because it suggests that animals do not ascribe moral significance to their preferences. They avoid pain and seek pleasure, but on the basis of instinct, not the belief that there is some objective moral value to those choices. A sunflower turns toward the sun, but doesn't do so because of a belief in the moral value of its life, and so we wouldn't say that sunflower has a "right" to sunlight.

A third characteristic that animals may lack is autonomy. While humans are aware of an array of available choices in any given situation, animals act on instinct. Moreover, even if we do conceptualize their actions as 'chosen' they do so not out of an interest in self-definition – the formation of a morally worthwhile self – but merely to satisfy a predetermined program of interests. They are therefore not autonomous in the sense that they are self-defining. A related argument is the claim that animals lack self-awareness. They may have phenomenal consciousness – there is "something it is like" to be a bat, to paraphrase Thomas Nagel – but

they lack self-consciousness or self-awareness. They do not reflect on their own mental states so as to distinguish themselves from others or the environment. Again, they are more like sunflowers and less like humans.

B. Justice and rights are human concepts.

Another line of argument will claim that justice and rights are concepts designed to govern human interactions; they are *social* rules, not rules deriving from some transcendent moral order. They are not, therefore, appropriate bases for controlling human interaction with nature. For example, animals are not in a position to reciprocally recognize the entitlement to rights. A shark is going to eat you or not regardless of whether the social contract requires you both not to eat each other. These positions may point out the absurd consequences that result from extending human social rules to the animal kingdom. Do we have to stop animals in the wild from hurting and killing each other? It may be appropriate for conventional morality to prohibit certain kinds of mistreatment of animals, but not because those animals have “rights.”

C. Food Supply

There is a reason that people eat animals. For many, meat is an important source of calories and nutrition. It is certainly possible to live a healthy lifestyle without eating meat, but it requires the availability of alternatives that simply isn't possible everywhere. This is particularly true for the socioeconomically disadvantaged, who even in the United States often have a difficult time even getting access to fresh fruits and vegetables. The food industry realizes efficiency gains and economies of scale that make an important part of the food supply readily available and relatively cheap. Affirmative advocacies that would regulate or ban these practices can only make meat less available and more expensive.

Critics of factory farming argue that if we use the same resources we use to raise animals for food to develop other agricultural products we can supply food much more efficiently. There are several problems with that, however. First, converting factory farms and feed crops to other agricultural uses is almost certainly extra-topical. Affirmatives are not empowered to fiat what policy actions might be taken in response to a topical advocacy. The best they could do is to claim that there is some probability that such actions would be taken, and so their impacts would have to be discounted accordingly. Second, those conversions are not costless – it takes time and regulatory energy to accomplish them in a political climate unfriendly to doing so. That suggests that the low probability of the conversion makes this argument rather ineffective defense – mitigation at best.

D. Rights Trivialization

Some theorists argue that the over-utilization of rights discourse trivializes the term. International human rights canons which list internet access as a human right, for instance, seem to suggest that this right is on par with the right to life or the right to be free from oppression. Where rights are supposed to be an interest so fundamental that it can be asserted against general social utility, a right should be reserved for only the most important moral interests. In the context of the resolution, these positions will argue that even if animals have morally significant interests, they should not be elevated to the interests of humans. Framing every desirable policy in terms of rights makes us less likely to respond to rights claims made by marginalized or oppressed peoples, victims of discrimination, etc.

E. The moral interests of animals should not be conceptualized as rights.

I indicated above that there is some question whether non-rights based moral theories can be a basis for affirming. This negative position will claim that they are not. The negative will argue that utilitarian or virtue ethical moral theories are the correct view of morality, and so justice does not require giving anyone rights, including animals. It may or may not be the case that animals have morally cognizable interests, but they would be based on maximizing utility or promoting virtue, not on some conception of "rights."

F. Food Chain

A position that I do not recommend but which should be mentioned is the claim that humans' position on the top of the food chain naturally entitles them to make use of animals. This argument is almost certainly guilty of the is-ought fallacy. Just because humans *can* make use of animals doesn't mean they *should*. That said, there are some moral epistemologies which elevate natural facts to the status of moral truths, and so this is an area of potential exploration for negative cases, and at least a position that affirmatives should have blocked.

Conclusion

The positions I have discussed are by no means the only ones available on a topic this broad, but they should give you a broad outline of most of the core positions you will see. I wish everyone the best of luck on this season's inaugural topic.

Topic Analysis by Nathan Zerbib-Berda

For September/October we've got a good debate on animal rights with strong clash. This topic asks the question should animal rights exist in a just world. This is a very broad topic with multiple opinions and expansive literature dedicated to its discussion. Remember that this topic analysis is merely a starting point for you to begin your own research and discovery on the resolution. There are no right answers in LD, and the only way to make arguments stronger is to try and tear them down. Thus while reading this analysis try and find ways to agree and disagree with what I am saying. Write down your arguments, they will be useful.

Part 1: Key Terms of the Resolution

A. "*Justice*"

Justice is the first word in the resolution, and sets the ground for the debate. Justice will most likely be the Value for most debate cases, as the resolution asks what Justice should require and is therefore the highest goal in the round. If the resolution asks us to achieve Justice, then it should be the highest goal of any debater to achieve justice with their arguments. The most common LD definitions of Justice are, "to each their due" and "what is fair and reasonable." To me, these definitions are interchangeable in many respects, Justice is what is fair, and we are all due fairness in society. The "each their due" definition may encompass more rights than a fairness or reasonableness definition, if you can make the argument animals are due rights that may be unreasonable. However, generally speaking if a right is necessary for fairness than we are probably due that right.

The resolution specifically uses the term "Justice" rather than "Morality" and it will be important for every debater to understand the difference between these two concepts. Traditionally morality is defined as some inherent good, and argued that we ought to achieve the highest moral result, or that it immoral to treat people or animals with malice and cause them harm. It is difficult to define morality specifically, because everyone has a different idea of what is right and wrong, and what is moral depends on your point of view, your religion, your politics, etc. It can easily be established in a round that morals are normative and differ from person to person.

Justice, however, by its definition should be the same for everyone. We all have different rules for what is good, but for something to be fair the rules need to be the same for everyone. This concept of Justice is found in many philosophers' writings, especially John Rawls, and is present in our own Constitution. The rights set forth in the U.S. Constitution are designed to achieve Justice, to make sure that every American has equal and protected rights, rather than to achieve some moral or utilitarian good. Furthermore Justice is a much more procedural right than morality, especially within the U.S. government and legal system. We've designed our justice system so that the process is more important than the result, holding that if we protect due process and follow the same procedure with the same rights for everyone, Justice will be the

result. Justice is also codified, the rights and obligations we have are written down so that they can be the same for everyone and everyone has access to them. This is very different than trying to achieve a moral or utilitarian good as your final end. The resolution using the term Justice is more helpful to the NEG in my opinion, as NEGs can argue that even though it may be good and moral to protect animal rights, it is neither fair nor reasonable and animals are not due the same rights as humans. The AFF can argue that the purpose of Justice is to achieve a moral and good society, and thus morality could be a higher value in the round. The AFF can also argue that animals are due rights.

B. *“Requires”*

To claim that Justice requires the recognition of animal rights entails that the recognition of animal rights is necessary to achieve justice, and that justice cannot be achieved without animal rights. The word requires sets a very high burden for the AFF to prove, that justice cannot exist or is incomplete without the recognition of animal rights. It is not enough to prove that the world would be a better or worse place if we respected animal rights; rather the AFF must show that we need animal rights to achieve justice. The AFF could similarly prove that a world without animal rights is an unjust world. Do not assume that justice is achieved in the status quo, there are always ways to be fairer in society, and the concept of what we are “due” has changed throughout history.

C. *“Recognition”*

Recognition of animal rights is a much more ambiguous term that gives both debaters more room to argue what it means to recognize a right. This debate will usually come down to whether recognizing a right implies an action that must be taken. Recognition usually means that we regard something as valid or acknowledge its importance, but it doesn't always mean that we take action to codify that right or even give the right to animals. In this sense the word recognize can set a very low burden for Affirmatives. The AFF can argue that we recognize a right if we believe it exists, even if we do nothing to protect that right. This would be a helpful interpretation to Affirmatives as it does not require any action or solvency burden. In response to a list of bad impacts that the NEG will argue result from giving animals rights, the AFF can simply argue that they do not need to take any action but merely recognize or acknowledge animal rights. I can recognize a right without doing anything about it, and society accepts rights violations on a daily basis. The NEG should probably respond by defining Recognition as respecting a right, and that a right is not respected or recognized if we do not use it or give the right substantive value that can be applied in the real world. NEGs should claim that recognizing a right without giving that right is meaningless, and cannot achieve Justice. Furthermore justice should be codified so to give everyone a fair chance at knowing the rules.

D. *“Animal Rights”*

First, do not argue that humans are animals, even though this may be factually true. The resolution is clearly not referring to human rights, and if you argue for humans in round you will most likely lose. The phrase “animal rights” is a very ambiguous term of art and it means a number of different things to different people. It will be up to you as the debater to determine which animal rights you wish to debate and which you wish to exclude. There is no right answer to what constitutes an animal right, and different authors have wildly varying opinions on the subject. Rights are entitlements; they give you freedom to do good things and protection against bad things being done to you. Generally speaking, rights-based views are deontological because they are rules for right and wrong conduct. Most authors make a distinction between positive rights and negative rights. A positive right is something that allows you to do something, your right to vote, your right to purchase property, your right to marry the person you love, etc. Anytime a right gives you the opportunity or obligation to proactively do something then that can be classified as a positive right. Conversely, a negative right is a protective right; it prevents something from being done to you. You have the right to live and not be killed by other members of society, you have the right for the government not to illegally search and seize your property, and you have the right not to be put in jail unless the government proves you guilty beyond a reasonable doubt. Negative rights are meant to protect us from other members of society, from our government, and sometimes from ourselves.

Whether or not the resolution is referring to positive or negative rights will be up to the debaters. The AFF should argue that animals have a negative right not to be tortured or harmed for the benefit or entertainment of humans. The NEG would claim that it would be absurd to assign positive rights to animals as they could not understand or act on those rights.

Part 2: Affirmative Strategies

A. Minimization of Suffering

The thesis of this case will be that animals can suffer harm and that harm is immoral and unjust, thus we have an obligation to extend rights to animals to reduce their suffering. This will most likely be the easiest case to find evidence for as there are so many authors discussing the suffering of animals and why this is a bad thing. You will find authors criticizing the practice of eating meat, how meat production and factories are immoral and cause harm to both animals and humans, the destruction of wildlife reservations, the suffering imposed on animals in the name of medical or scientific research, and the suffering of animals used for entertainment purposes such as animals in the circus, in zoos, on television and movies. All of these human actions cause animals to suffer, and we can measure animals' suffering in a variety of ways. You will want to obtain a study or evidence that describes the suffering on animals, and how they reacted to certain stimuli. There is evidence out there that proves animals can feel physical pain, but also emotional pain as well. There are case studies of animal suicides, signs of depression and other psychological disorders; there are even studies that show animals grieving after the loss of a

family member or another member of the group. Elephants have been observed participating in rituals representative of grief similar to a funeral after the loss of a member of the herd. If you can prove that animals can suffer and that suffering is inherently bad, then you can prove that justice requires the recognition of animal rights. First, you can value Morality and claim that the goal of justice is to reach a moral end. If the suffering of any creature is inherently immoral, then we would have an obligation to minimize the suffering on animals. This idea of morality stems from a concept of natural rights. Natural rights are the idea that we are all born with certain inalienable rights that cannot be taken away from us. If you wish to value Justice because it is mentioned in the resolution, you can argue that natural rights are necessary for justice as well as morality. The rights to life, liberty and the pursuit of happiness are all considered inalienable rights that are due simply because you were born into this world. Tom Regan is one author that will be commonly read on the topic. Regan believes in an absolutist view of rights and believes that all “experiencing subjects of a life” have equal inherent value. Regan claims that no matter how great the benefit, it is wrong to violate the rights of such beings, including non-human animals. The AFF should argue that animals deserve natural rights, and their right to life is no different than ours because life is inherently valuable. Because animals have natural rights and a negative right not to have suffering inflicted upon them, justice requires the recognition of animal rights. A minimization of suffering case is consistent with a utilitarian philosophical view expressed by many authors, notably John Stuart Mill, Jeremy Bentham and Peter Singer. Utilitarianism argues that the morally right thing to do is to promote the greatest amount of welfare, essentially maximizing pleasure while minimizing pain. Peter Singer’s writings will be most applicable to this resolution because Singer specifically discusses animal rights. In his famous work *Animal Liberation* (1975), Singer argues that non-human animals have interests and rights. He claims that when these interests are satisfied and rights respected their lives go well, when animal rights are not recognized the animals’ lives go badly. Thus because animals can suffer, it is wrong for a utilitarian to exclude their suffering from consideration when making decisions on morality and justice.

B. Speciesism

According to Singer; it is arbitrary and wrong for humans to favor the interests of other humans simply because they are of the same species, just as it is arbitrary for humans to favor the interests of other humans simply because they are of the same race. Essentially the argument is that it is wrong to exclude a species or race from rights or privileges simply because they are different than us. Singer calls this arbitrary favoritism speciesism. Rather than argue the specific impacts of speciesism the AFF should try and claim that this mindset, the idea of excluding other people and animals from rights because they are different than you, has lead to some of the worst atrocities in the world. Speciesism would argue that because we don’t respect the rights of animals that are different than us we won’t respect humans either and this will lead to genocide

and destruction. That being said, Hitler was a vegetarian. Affirmatives should use Singer's views as a critique of the negative's speciesism and as an argument for animal welfare, but it is important to note that Singer does not believe in animal rights per se because he does not believe in the existence of rights at all.

Another argument related to the exclusion of animals is an argument from marginal cases, which holds that no criterion for excluding non-human animals could also include all human beings. As Regan puts it,

"What could be the basis of our having more inherent value than animals? Their lack of reason, or autonomy, or intellect? Only if we are willing to make the same judgment in the case of humans who are similarly deficient. But is it not true that such humans- the retarded child, for example, or the mentally deranged- have less inherent value than you or I." (*Tom Regan, Ethics on Practice*, p. 210)

While I would discourage debaters from discussing or using mentally retarded children as their primary example, Regan's argument is logical in that it is wrong to assign rights based on someone's mental capacity as all humans have different capacities. A better example would be the newborn baby or those without mental capacity to think clearly such as a schizophrenic or an Alzheimer's patient. A baby is no more intelligent than an animal, why would we arbitrarily assign rights to the baby and not the animal? Furthermore Regan's argument relates directly to justice, because if fairness is the same for everyone then we cannot exclude people from rights based on their intellect. It is easy to see why assigning rights based on capacity can lead to a slippery slope of rights abuse.

Another argument against negative criteria is what Singer calls *indirect speciesism*. If speciesism is the discrimination against beings solely on the basis of species membership, then indirect speciesism is the use of anthropocentric or "human-first" criteria to assess the quality and value of all life. Affirmatives may want to make this argument even if they do not use Singer's utilitarian approach.

Part 3: Negative Strategies

A. The Social Contract

The Social Contract is an agreement between all members of society and their government that as members of society we will give up certain freedoms and rights in exchange for protection and security. The idea of the Social Contract was popularized by Jean-Jacques Rousseau and is in some ways an explanation for how our society formed and where rights come from. The State of Nature was described by Thomas Hobbes as "nasty, brutish and short", explains life without government, a state of anarchy, where humans simultaneously have all positive rights and no negative rights. Put simply, you can do whatever you want but everyone else can do what they want to you. The Social Contract explains the how humans left the state of nature to form a society and government for protection and establishing rights. This theory would claim that all

rights originate from society, and that we receive rights based on the laws set forth by government and we are protected by those laws as well. In the United States the Constitution acts as the Social Contract as it sets forth the rights and duties of American citizens. We enter into this contract when we are born into society, and give up certain freedoms, such as the freedom to kill or use your money any way you wish, in exchange for police and military protection as well as government programs and assistance paid through taxes. A Social Contract position would most likely reject the idea of natural rights and argue that rights must originate through government and society through the mutually beneficial exchange of the social contract. The Negative will argue that Justice is defined as each their due, and we are due rights arising out of the social contract. Because animals are not traditionally viewed as members of society, they cannot be a part of the social contract. Furthermore animals cannot participate in society and are probably unable to conceptualize what a society is to begin with. A contract is legally defined as an assented to agreement that has a mutually bargained for exchange. To be a part of a valid contract you must give something up to receive something in return. In the social contract we are contracting for rights by giving up rights. Thus because animals are unable to comprehend what a right is, much less be able to give up rights in order for protection, they should not be a party to the social contract and thus cannot receive rights.

B. Respecting Rationality

Another strong argument for the negative will be based on respecting the rationality of humans. The NEG will argue that the ability to reason and use logic is a trait uniquely held by humans and it is the capacity for rationality that makes humans entitled to rights. There are many studies out there that demonstrate animals do not have the capacity to use reason or logic, and it is certain that animals cannot use reason and logic to the extent that humans can. There are also studies that claim animals can use logic, but these studies are usually poorly warranted since it is impossible to fully understand the mind of animal as they have no means of communicating thoughts effectively. It will also be important for negative debaters to make the distinction between a conditioned response from an animal and the use of logic and reason. Pavlov's dog is the classic example of this, where Pavlov would ring a bell each time he fed his dog, and eventually the dog would begin to salivate at the sound of a bell. This is a conditioned response of the dog, and not evidence of logic or reason within the animal. Negatives will want to argue that freedom and choice using reason, logic, and emotion are what makes rights meaningful. A right can be given to you, but that right is meaningless unless you understand the right and have the capacity to use that right. Thus because animals cannot understand their rights, and because animals cannot actually do anything with the rights they have, rights are meaningless when given to animals. The right to life is meaningful to a human because we can do something with our lives, we can build things, we can help others, and we can leave the world a better place than we

found it. Animals can only survive, thus any rights given are essentially meaningless and therefore should not be given in the first place.

C. Non-Humans do not have Rights

This is a straightforward negative strategy, arguing the traditional status quo view that animals do not have rights. The traditional view of animals' moral status is called the indirect duty view. As Aristotle stated, "Plants exist for the sake of animals, and brute beasts for the sake of man" (*Politics*). Immanuel Kant had a more sophisticated expression of this view: "So far as animals are concerned, we have no direct duties. Animals are not self-conscious, and are there merely as a means to an end. That end is man" (*Lectures on Ethics*). Negatives may want to argue for this kind of view. Christine Korsgaard, a contemporary Kantian, argues that a creature can only have rights if it also has moral duties, and only rational agents have moral duties. It follows, then, that non-human animals do not have rights if they are not rational in the way that Kantian deontology requires of moral agents.

A more mainstream view is called the kindness-cruelty view. The conventional wisdom is that we have duties to be kind to animals and to avoid being cruel to them. This view agrees with Singer that animal interests count, but it holds that the interests of humans easily trump the interests of non-human animals. If the cheapest way to produce food for humans (e.g., meat or eggs) is by making animals suffer, then it is permissible to do so. One problem with this view is that it is unclear why an interest in entertainment (e.g., dog-fighting, bullfighting, or biting off the head of a live bird) is less important than an interest in eating chicken, given that eating chicken requires the infliction of needless suffering and that my life would not go badly by eating tofu.

DEFINITIONAL & FRAMEWORK EVIDENCE

AFFORDING ANIMALS MORAL RIGHTS GIVES THEM AN ABSOLUTE CLAIM THAT CANNOT BE VIOLATED ON THE BASIS OF HUMAN NEED, CONTEXT OR CULTURE

Gruen, Lori [Professor of Philosophy, Feminist, Gender, and Sexuality Studies, and Environmental Studies at Wesleyan University], "The Moral Status of Animals", The Stanford Encyclopedia of Philosophy (Fall 2010 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/fall2010/entries/moral-animal/>.

According to the view that an animal's moral claim is equivalent to a moral right, any action that fails to treat the animal as a being with inherent worth would violate that animal's right and is thus morally objectionable. According to the animal rights position, to treat an animal as a means to some human end, as many humans do when they eat animals or experiment on them, is to violate that animal's right. As Tom Regan has written,

...animals are treated routinely, systematically as if their value were reducible to their usefulness to others, they are routinely, systematically treated with a lack of respect, and thus are their rights routinely, systematically violated. (Regan, 1985)

The animal rights position is an absolutist position. Any being that is a subject of a life has inherent worth and the rights that protect such worth, and all subjects of a life have these rights equally. Thus any practice that fails to respect the rights of those animals who have them, e.g. eating animals, hunting animals, experimenting on animals, using animals for entertainment, is wrong, irrespective of human need, context, or culture.

APPLYING MORAL CONCEPTS TO ANIMALS RESTS ON CERTAIN ASSUMPTIONS ABOUT THE NATURE OF ANIMAL COGNITION

Andrews, Kristin [Associate Professor in the Department of Philosophy and Cognitive Science Program at York University], "Animal Cognition", The Stanford Encyclopedia of Philosophy (Summer 2011 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/sum2011/entries/cognition-animal/>.

While the study of animal cognition is largely an empirical endeavor, the practice of science in this area relies on theoretical arguments and assumptions — for example, on the nature of mind, communication, and rationality. If nonhuman animals don't have beliefs, and if all cognitive systems have beliefs, then animals wouldn't be the proper subjects of cognitive studies. If animals aren't agents because their behavior isn't caused by propositional attitudes, and if all cognitive systems are agents, we get the same conclusion. While there are arguments against animal minds, the cognitive scientists studying animals largely accept that animals are minded, cognitive systems. Animal consciousness, however, it is a topic that some scientists are less willing to engage with.

PHENOMENAL CONSCIOUSNESS REFERS TO THE ABILITY TO EXPERIENCE REALITY IN A MANNER DISTINCTIVE OF A GIVEN TYPE OF CREATURE

Allen, Colin [Professor of History and Philosophy of Science at Indiana University, Bloomington], "Animal Consciousness", The Stanford Encyclopedia of Philosophy (Summer 2011 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/sum2011/entries/consciousness-animal/>>.

Phenomenal consciousness refers to the qualitative, subjective, experiential, or phenomenological aspects of conscious experience, sometimes identified with qualia. (In this article I also use the term "sentience" to refer to phenomenal consciousness.) To contemplate animal consciousness in this sense is to consider the possibility that, in Nagel's (1974) phrase, there might be "something it is like" to be a member of another species. Nagel disputes our capacity to know, imagine, or describe in scientific (objective) terms what it is like to be a bat, but he assumes that there is something it is like. There are those, however, who would challenge this assumption directly. Others would less directly challenge the possibility of scientifically investigating its truth. Nevertheless, there is broad commonsense agreement that phenomenal consciousness is more likely in mammals and birds than it is in invertebrates, such as insects, crustaceans or molluscs (with the possible exception of some cephalopods), while reptiles, amphibians, and fish constitute an enormous grey area for most scientists and philosophers. However, some researchers are even willing to attribute a minimal form of experiential consciousness to organisms that are phylogenetically very remote from humans and that have just a few neurons (Ginsburg & Jablonka 2007a).

SELF-CONSCIOUSNESS REFERS TO A CREATURE'S ABILITY TO REFLECT ON ITS OWN MENTAL STATES

Allen, Colin [Professor of History and Philosophy of Science at Indiana University, Bloomington], "Animal Consciousness", The Stanford Encyclopedia of Philosophy (Summer 2011 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/sum2011/entries/consciousness-animal/>>.

Self-consciousness refers to an organism's capacity for second-order representation of the organism's own mental states. Because of its second-order character ("thought about thought") the capacity for self consciousness is closely related to questions about "theory of mind" in nonhuman animals — whether any animals are capable of attributing mental states to others. Questions about self-consciousness and theory of mind in animals are a matter of active scientific controversy, with the most attention focused on chimpanzees and to a more limited extent on the other great apes. As attested by this controversy (and unlike questions about animal sentience) questions about self-consciousness in animals are commonly regarded as tractable by empirical means.

FOR THOSE WHO BELIEVE THAT CONSCIOUSNESS REFLECTS A PHYSICAL PHENOMENON, THE QUESTION OF ANIMAL CONSCIOUSNESS IS EMPIRICAL

Allen, Colin [Professor of History and Philosophy of Science at Indiana University, Bloomington], "Animal Consciousness", The Stanford Encyclopedia of Philosophy (Summer 2011 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/sum2011/entries/consciousness-animal/>>.

Early physicalist accounts of consciousness explored the philosophical consequences of identifying consciousness with unspecified physical or physiological properties of neurons. In this generic form, such theories do not provide any particular obstacles to attributing consciousness to animals, given that animals and humans are built upon the same biological, chemical, and physical principles. If it could be determined that phenomenal consciousness was identical to (or at least perfectly correlated with) some general property such as quantum coherence in the microtubules of neurons, or brain waves of a specific frequency, then settling the Distribution Question would be a straightforward matter of establishing whether or not members of other species possess the specified properties (see Seth et al. 2005). Searle (1998) too, although he rejects the physicalist/dualist dialectic, also suggests that settling the Distribution Question for hard cases like insects will become trivial once neuroscientists have carried out the non-trivial task of determining the physiological basis of consciousness in animals for which no reasonable doubt of their consciousness can be entertained (i.e., mammals).

EXPERIMENTS IN ANIMAL CONSCIOUSNESS HAVE BEEN INCONCLUSIVE, BUT THE MORE RELIABLE STUDIES RELY ON SPECIES-APPROPRIATE NATURAL SOCIAL INTERACTIONS

Allen, Colin [Professor of History and Philosophy of Science at Indiana University, Bloomington], "Animal Consciousness", The Stanford Encyclopedia of Philosophy (Summer 2011 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/sum2011/entries/consciousness-animal/>>.

A full discussion of the controversy over theory of mind deserves an entry of its own (see also Heyes 1998), but it is worth remarking here that the theory of mind debate has origins in the hypothesis that primate intelligence in general, and human intelligence in particular, is specially adapted for social cognition (see Byrne & Whiten 1988, especially the first two chapters, by Jolly and Humphrey). Consequently, it has been argued that evidence for the ability to attribute mental states in a wide range of species might be better sought in natural activities such as social play, rather than in laboratory designed experiments which place the animals in artificial situations (Allen & Bekoff 1997; see esp. chapter 6; see also Hare et al. 2000, Hare et al. 2001, and Hare & Wrangham 2002). Furthermore, to reiterate the maxim that absence of evidence is not evidence of absence, it is quite possible that the mirror test is not an appropriate test for theory of mind in most species because of its specific dependence on the ability to match motor to visual information, a skill that may not have needed to evolve in a majority of species. Alternative approaches that have attempted to provide strong evidence of theory of mind in nonhuman animals under natural conditions have generally failed to produce such evidence (see, e.g., the conclusions about theory of mind in vervet monkeys and baboons by Cheney & Seyfarth 1990, 2007), although anecdotal evidence tantalizingly suggests that researchers still have not managed to devise the right experiments.

THE ABILITY TO SENSE NOXIOUS STIMULI IS NOT THE SAME AS THE ABILITY TO EXPERIENCE PAIN

Allen, Colin [Professor of History and Philosophy of Science at Indiana University, Bloomington], "Animal Consciousness", The Stanford Encyclopedia of Philosophy (Summer 2011 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/sum2011/entries/consciousness-animal/>>.

A proper understanding of neurological studies of animal pain begins with the distinction between nociception and pain. Nociception — the capacity to sense noxious stimuli — is one of the most primitive sensory capacities. Neurons functionally specialized for nociception have been described in invertebrates such as the medical leech and the marine snail *Aplysia californica* (Walters 1996). Because nociceptors are found in a very wide range of species, and are functionally effective even in decerebrate or spinally transected animals (Allen 2004b), their presence and activity in a species provides little or no direct evidence for phenomenally conscious pain experiences. The gate control theory of Melzack and Wall (1965) describes a mechanism by which “top-down” signals from the brain modulate “bottom-up” nociception, providing space for the distinction between felt pain and nociception.

ANTHROPOMORPHISM IS THE ATTRIBUTION OF HUMAN TRAITS TO NON-HUMAN ANIMALS

Andrews, Kristin [Associate Professor in the Department of Philosophy and Cognitive Science Program at York University], "Animal Cognition", The Stanford Encyclopedia of Philosophy (Summer 2011 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/sum2011/entries/cognition-animal/>>.

When researchers attribute mental states to other species, they open themselves to the charge of anthropomorphism. The term “anthropomorphism” has a number of different connotations, but most generally refers to the act of attributing human traits to other animals. Sometimes the term is used to refer only to psychological traits, and sometimes it is used to refer to traits that are claimed to be uniquely human (in which case anthropomorphism is an error by definition). In recent years, there have been a number of theoretical discussions about the charge of anthropomorphism itself (including the essays in Daston & Mitman 2005; Mitchell et al. 1997; and work by Andrews 2009, forthcoming; Asquith 1997; Crist 1999; Fisher 1990, 1991; Keeley 2004; Kennedy 1992; Rivas & Burghardt 2002; Shettleworth 2010b; Wynne 2004, 2007).

THERE IS NO CONSENSUS ON WHAT IT MEANS FOR ANIMALS TO BE RATIONAL

Andrews, Kristin [Associate Professor in the Department of Philosophy and Cognitive Science Program at York University], "Animal Cognition", The Stanford Encyclopedia of Philosophy (Summer 2011 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/sum2011/entries/cognition-animal/>>.

Rationality is sometimes understood in terms of acting for reasons. Given this starting point, Glock argues that animals are rational because they can act in light of reasons understood objectively, in an agent-neutral fashion, and that the animal is sensitive to these reasons (Glock 2009). However, discussions of animal rationality are confounded by the lack of consensus on what is required for rationality. Because there are many different kinds of rationality (e.g. practical vs. theoretical, process vs. product), and given the disagreements both about the cognitive mechanisms implicated in rationality (e.g. linguistic processing, logical reasoning, causal reasoning, simulation, biases and heuristics), and the extent to which different kinds of normativity are implicated in rationality (e.g. biological fitness or reason-respecting propositional attitudes), there is no straightforward way to answer the question about whether members of any other species are rational agents.

HISTORICALLY PHILOSOPHERS HAVE DISCOUNTED THE MORAL INTERESTS OF ANIMALS

Peter Singer [Professor of Bioethics at Princeton University], "Utilitarianism and Vegetarianism," *Philosophy & Public Affairs*, Vol. 9, No. 4 (Summer, 1980), pp. 325-337.

The importance of the fact that the principle of utility gives animals moral standing, and gives their interests equal weight with the like interests of humans, lies in the consequences of denying animals this equal moral standing-and historically, most moral philosophers have either denied animals moral standing altogether, or discounted their interests because they are not human. Thus Aristotle thought that all animals exist for the sake of man. Aquinas took over this attitude, adding that we do not even owe charity to animals. Kant said that we have no direct duties to animals. Whewell, as we have seen, thought it so obvious that animals do not count equally that he regarded the contrary implication as a damning objection to utilitarianism. More recently John Rawls has denied animals a place in his theory of justice, arguing that we owe justice only to those who have the concept of justice (except that we owe it to infant humans).⁷

AFFIRMATIVE EVIDENCE

SPECIES MEMBERSHIP IS MORALLY ARBITRARY

Gruen, Lori [Professor of Philosophy, Feminist, Gender, and Sexuality Studies, and Environmental Studies at Wesleyan University], "The Moral Status of Animals", The Stanford Encyclopedia of Philosophy (Fall 2010 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/fall2010/entries/moral-animal/>.

To say that a being deserves moral consideration is to say that there is a moral claim that this being has on those who can recognize such claims. A morally considerable being is a being who can be wronged in a morally relevant sense. It is generally thought that all and only human beings make such claims, because it is only humans who can respond to these claims. However, when we ask why it is thought that all and only humans are the types of beings that can be wronged, answers are not particularly easy to come by. Humans are members of the species *Homo sapiens*. But species membership does not explain why there is a moral claim made by those that belong to this species and not other species. That humans are members of the species *Homo sapiens* is certainly a distinguishing feature of humans—humans share a genetic make-up and a distinctive physiology, but this is unimportant from the moral point of view. Species membership is a morally irrelevant characteristic, a bit of luck that is no more morally interesting than being born male or female, Malaysian or French. Species membership itself cannot support the view that members of one species, namely ours, deserve moral consideration that is not owed to members of other species. Of course, one might respond that it is not membership in a biological category that matters morally, it is our humanity that grounds the moral claims we make. Humans are morally considerable because of the distinctively human capacities we possess, capacities that only we humans have.

IT IS DIFFICULT TO IDENTIFY CAPACITIES THAT ARE UNIQUELY HUMAN

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But which capacities mark out all and only humans as the kinds of beings that can be wronged? A number of candidate capacities have been proposed—developing family ties, solving social problems, expressing emotions, starting wars, having sex for pleasure, using language, or thinking abstractly, are just a few. As it turns out, none of these activities is uncontroversially unique to human. Both scholarly and popular work on animal behavior suggests that many of the activities that are thought to be distinct to humans occurs in non-humans. For example, many species of non-humans develop long lasting kinship ties—orangutan mothers stay with their young for eight to ten years and while they eventually part company, they continue to maintain their relationships. Less solitary animals, such as chimpanzees, baboons, wolves, and elephants maintain extended family units built upon complex individual relationships, for long periods of time. Meerkats in the Kalahari desert are known to sacrifice their own safety by staying with sick or injured family members so that the fatally ill will not die alone. All animals living in socially complex groups must solve various problems that inevitably arise in such groups. Canids and primates are particularly adept at it, yet even chickens and horses are known to recognize large numbers of individuals in their social hierarchies and to maneuver within them. One of the ways that non-human animals negotiate their social environments is by being particularly attentive to the emotional states of others around them. When a conspecific is angry, it is a good idea to get out of his way. Animals that develop life-long bonds are known to suffer terribly from the death of their partners. Some are even said to die of sorrow. Darwin reported this in *The Descent of Man*: “So intense is the grief of female monkeys for the loss of their young, that it invariably caused the death of certain kinds.” Jane Goodall's report of the death of the healthy 8 year old chimpanzee Flint just three weeks after the death of his mother Flo also suggests that sorrow can have a devastating effect on non-human animals. (see Goodall 2000, p. 140-141 in Bekoff 2000). Coyotes, elephants and killer whales are also among the species for which profound effects of grief have been reported (Bekoff 2000) and many dog owners can provide similar accounts. While the lives of many, perhaps most, non-humans in the wild are consumed with struggle for survival, aggression and battle, there are some non-humans whose lives are characterized by expressions of joy, playfulness, and a great deal of sex (Woods, 2010). Recent studies in cognitive ethology have suggested that some non-humans engage in manipulative and deceptive activity, can construct “cognitive maps” for navigation, and some non-humans appear to understand symbolic representation and are able to use language.[1] It appears then that most of the capacities that are thought to distinguish humans as morally considerable beings, have been observed, often in less elaborate form, in the non-human world. Because human behavior and cognition share deep roots with the behavior and cognition of other animals, approaches that try to find sharp behavioral or cognitive boundaries between humans and other animals remain controversial. For this reason, attempts to establish human uniqueness by identifying certain capacities, like those discussed in this paragraph and perhaps others, are not the most promising when it comes to thinking hard about the moral status of animals.

RATIONAL PERSONHOOD CANNOT BE NECESSARY FOR THE RECOGNITION OF MORAL INTERESTS

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Yet Kant's view of personhood cannot distinguish all and only humans as morally considerable. Personhood is not, in fact, coextensive with humanity when understood as a general description of the group to which human beings belong. And the serious part of this problem is not that there may be some extra-terrestrials or deities who have rational capacities (It seems likely that Kant recognized this when he wrote "man, and in general every rational being"). The serious problem is that many humans are not persons. Some members of humanity—i.e. infants, children, people with advanced forms of autism or Alzheimer's disease or other cognitive disorders—do not have the rational, self-reflective capacities associated with personhood. This problem, unfortunately known in the literature as the problem of "marginal cases," poses serious difficulties for "personhood" as the criterion of moral considerability. Many beings whose positive moral value we have deeply held intuitions about, and who we treat as morally considerable, will be excluded from consideration by this account.

BECAUSE ANIMALS EXPERIENCE LIFE IN MANY OF THE SAME WAYS THAT HUMANS DO, THEY SHOULD BE GIVEN MORAL CONSIDERATION

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This response is not unlike that of noted animal rights proponent, Tom Regan, who argues that what is important for moral consideration are not the differences between humans and non-humans but the similarities. Regan argues that because persons share with certain non-persons (which includes those humans and non-humans who have a certain level of organized cognitive function) the ability to be experiencing subject of a life and to have an individual welfare that matters to them regardless of what others might think, both deserve moral consideration. Regan argues that subjects of a life

want and prefer things, believe and feel things, recall and expect things. And all these dimensions of our life, including our pleasure and pain, our enjoyment and suffering, our satisfaction and frustration, our continued existence or our untimely death—all make a difference to the quality of our life as lived, as experienced, by us as individuals. As the same is true of ... animals ... they too must be viewed as the experiencing subjects of a life, with inherent value of their own. (Regan, 1985)

RATIONAL CAPACITY RECOGNIZES THE NORMATIVE VALUE OF NATURAL DESIRES. INsofar AS NON-RATIONAL CREATURES CAN EXPERIENCE THESE DESIRES, THEIR MORAL INTERESTS SHOULD BE RECOGNIZED

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A third way of addressing this problem has been taken up by Korsgaard who maintains that there is a big difference between those with normative, rational capacities and those without, but unlike Kant, believes both humans and non-humans are the proper objects of our moral concern. She argues that those without normative, rational capacities share certain "natural" capacities with persons, and these natural capacities are often the content of the moral demands that persons make on each other. She writes, "what we demand, when we demand ... recognition, is that our natural concerns—the objects of our natural desires and interests and affections—be accorded the status of values, values that must be respected as far as possible by others. And many of those natural concerns—the desire to avoid pain is an obvious example—spring from our animal nature, not from our rational nature" (Korsgaard 2007). What moral agents construct as valuable and normatively binding is not only our rational or autonomous capacities, but the needs and desires we have as living, embodied beings. Insofar as these needs and desires are valuable for agents, the ability to experience similar needs and desires in patients should also be valued.

UTILITARIANS MAINTAIN THAT PROMOTING PLEASURE AND DECREASING PAIN ARE THE TOUCHSTONES OF MORAL PRACTICE, NOT RATIONAL CAPACITY

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A final response is simply to reject rational nature as the touchstone of moral considerability. This is the kind of direct argument that utilitarians have traditionally made. They argue that the truly morally important feature of beings is unappreciated when we focus on personhood or the rational, self-reflective nature of humans, or the relation a being stands in to such nature, or being the subject of a life. What is really important, utilitarians maintain, is the promotion of happiness, or pleasure, or the satisfaction of interests, and the avoidance of pain, or suffering, or frustration of interests. Bentham, one of the more forceful defenders of this "sentientist" view of moral considerability, famously wrote:

Other animals, which, on account of their interests having been neglected by the insensibility of the ancient jurists, stand degraded into the class of things. [original emphasis] ... The day has been, I grieve it to say in many places it is not yet past, in which the greater part of the species, under the denomination of slaves, have been treated ... upon the same footing as ... animals are still. The day may come, when the rest of the animal creation may acquire those rights which never could have been withholden from them but by the hand of tyranny. The French have already discovered that the blackness of skin is no reason why a human being should be abandoned without redress to the caprice of a tormentor. It may come one day to be recognized, that the number of legs, the villosity of the skin, or the termination of the os sacrum, are reasons equally insufficient for abandoning a sensitive being to the same fate. What else is it that should trace the insuperable line? Is it the faculty of reason, or perhaps, the faculty for discourse?...the question is not, Can they reason? nor, Can they talk? but, Can they suffer? (Bentham 1781)

BECAUSE ANIMALS TRY TO AVOID SUFFERING, THEIR MORAL INTERESTS OUGHT TO BE RECOGNIZED

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Contemporary utilitarians, such as Peter Singer (1990, 1993), suggest that there is no morally justifiable way to exclude from moral consideration non-humans or non-persons who can clearly suffer. Any being that has an interest in not suffering deserves to have that interest taken into account. And a non-human who acts to avoid pain can be thought to have just such an interest. Even contemporary Kantians have acknowledged the moral force of the experience of pain. Korsgaard, for example, writes "it is a pain to be in pain. And that is not a trivial fact" (1996, 154).

When you pity a suffering animal, it is because you are perceiving a reason. An animal's cries express pain, and they mean that there is a reason, a reason to change its conditions. And you can no more hear the cries of an animal as mere noise than you can the words of a person. Another animal can obligate you in exactly the same way another person can. ...So of course we have obligations to animals. (Korsgaard, 1996, 153)

When we encounter an animal in pain we recognize their claim on us, and thus beings who can suffer are morally considerable.

FACTORY FARMING CAUSES MORE SUFFERING THAN WOULD ITS ABOLITION

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Consider factory farming, the most common method used to convert animal bodies into relatively inexpensive food in industrialized societies today. An estimated 8 billion animals in the United States are born, confined, biologically manipulated, transported and ultimately slaughtered each year so that humans can consume them. The conditions in which these animals are raised and the method of slaughter causes vast amounts of suffering. (See, for example, Mason and Singer 1990.) Given that animals suffer under such conditions and assuming that suffering is not in their interests, then the practice of factory farming would only be morally justifiable if its abolition were to cause greater suffering or a greater amount of interest frustration. Certainly humans who take pleasure in eating animals will find it harder to satisfy these interests in the absence of factory farms; it may cost more and require more effort to obtain animal products. The factory farmers, and the industries that support factory farming, will also have certain interests frustrated if factory farming were to be abolished. How much interest frustration and interest satisfaction would be associated with the end to factory farming is largely an empirical question. But utilitarians are not making unreasonable predictions when they argue that on balance the suffering and interest frustration that animals experience in modern day meat production is greater than the suffering that humans would endure if they had to alter their current practices.

RESPECTING THE MORAL INTERESTS OF ANIMALS UNDER UTILITARIANISM DOES NOT NECESSARILY REQUIRE VEGETARIANISM

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Importantly, the utilitarian argument for the moral significance of animal suffering in meat production is not an argument for vegetarianism. If an animal lived a happy life and was painlessly killed and then eaten by people who would otherwise suffer hunger or malnutrition by not eating the animal, then painlessly killing and eating the animal would be the morally justified thing to do. In many parts of the world where economic, cultural, or climate conditions make it virtually impossible for people to sustain themselves on plant based diets, killing and eating animals that previously led relatively unconstrained lives and are painlessly killed, would not be morally objectionable. The utilitarian position can thus avoid certain charges of cultural chauvinism and moralism, charges that the animal rights position apparently cannot avoid.

ACKNOWLEDGING THAT ANIMALS HAVE MORALLY RELEVANT INTERESTS DOES NOT MEAN THAT THEY CANNOT BE TRUMPED BY MORE WEIGHTY INTERESTS

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An additional factor is the type of interest in question. We can think of interests as scalar; crucial interests are weightier than important interests, important interests are weightier than replaceable interests, and all are weightier than trivial interests or mere whims. When there is a conflict of interests, crucial interests will always override important interests, important interests will always override replaceable interests, etc. So if an animal has an interest in not suffering, which is arguably a crucial interest, or at least an important one, and a person has an interest in eating that animal when there are other things to eat, meaning that interest is replaceable, then the animal has the stronger interest and it would be wrong to violate that interest by killing the animal for food if there is another source of food available.

RESPECTING ANIMALS' MORAL INTERESTS REQUIRES PROHIBITING MANY TYPES OF ANIMAL RESEARCH

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The multi-factor utilitarian perspective is particularly helpful when considering the use of animals in medical research. According to the animal rights position, the use of animals in experimental procedures is a clear violation of their rights—they are being used as a mere means to some possible end—and thus animal rights proponents are in favor of the abolition of all laboratory research. The utilitarian position, particularly one that incorporates some kind of multi-factor perspective, might allow some research on animals under very specific conditions. Before exploring what a utilitarian might condone in the way of animal experimentation, let us first quickly consider what would be morally prohibited. All research that involves invasive procedures, constant confinement, and ultimate death can be said to violate the animal's crucial interests. Thus any experiments that are designed to enhance the important, replaceable, or trivial interests of humans or other animals would be prohibited. That would mean that experiments for cosmetics or household products are prohibited, as there are non-animal tested alternatives and many options already available for consumers. Experiments to determine the effects of recreational drugs, cigarettes, and alcohol would also be prohibited. Certain psychological experiments, such as those in which infant primates are separated from their mothers and exposed to frightening stimuli in an effort to understand problems teenagers have when they enter high school, would also come into question. There are many examples of experiments that violate an animal's crucial interests in the hopes of satisfying the lesser interests of some other morally considerable being, all of which would be objectionable from this perspective.

DISREGARD OF THE MORAL INTERESTS OF ANIMALS IS NOT VIRTUOUS

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Some, in the neo-Aristotelian or "virtue ethics" tradition, have argued that while our behavior towards animals is indeed subject to moral scrutiny, the kinds of arguments that have been presented frame the issues in the wrong way. According to many in this tradition, rational argumentation fails to capture those features of moral experience that allow us to really see why treating animals badly is wrong. The point, according to commentators such as Stephen R.L. Clark and Cora Diamond, for example, is that members of our communities, however we conceive of them, pull on us and it is in virtue of this indescribable pull that we recognize what is wrong with cruelty. Animals are individuals with whom we share a common life and this recognition allows us to see them as they are. A person striving for virtue comes to see that eating animals is wrong not because it is a violation of the animal's rights or because on balance such an act creates more suffering than other acts, but rather because in eating animals or using them in other harmful ways, we do not display the traits of character that kind, sensitive, compassionate, mature, and thoughtful members of a moral community should display. And carefully worked out arguments in which the moral considerability and moral significance of animals are laid out will have little if any grip on our thoughts and actions. Rather, by perceiving the attitudes that underlie the use and abuse of non-human animals as shallow or cruel, one interested in living a virtuous life will change their attitudes and come to reject treating animals as food or tools for research. As Rosalind Hursthouse recognized after having been exposed to alternative ways of seeing animals:[3]

I began to see [my attitudes] that related to my conception of flesh-foods as unnecessary, greedy, self-indulgent, childish, my attitude to shopping and cooking in order to produce lavish dinner parties as parochial, gross, even dissolute. I saw my interest and delight in nature programmes about the lives of animals on television and my enjoyment of meat as side by side at odds with one another...Without thinking animals had rights, I began to see both the wild ones and the ones we usually eat as having lives of their own, which they should be left to enjoy. And so I changed. My perception of the moral landscape and where I and the other animals were situated in it shifted. (Hursthouse, 2000, 165–166)

DISREGARD FOR THE MORAL INTERESTS OF ANIMALS IS PART OF THE LOGIC OF DOMINATION THAT SUBJUGATES WOMEN

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Similarly ecological feminists have also argued that the standard approaches to determining the moral status of animals are flawed. For these critics, the focus on individuals in isolation from their context fails to capture the political structures, particularly the structures of power, that underlie current practices in which animals are used. According to some eco-feminists there is a conceptual link between the "logic of domination" that operates to reinforce sexism and the logic that supports the oppression of non-human animals, a link that translates into individual and institutional practices that are harmful to both women and animals. Gender hierarchies, in which men are thought to be separate from and superior to women share the same structure, according to this analysis, as hierarchies that separate humans from other animals and justify human dominance over the allegedly inferior others. According to an ecological feminist perspective, differences between groups and individuals can be acknowledged without attributing greater or lesser moral worth to those groups or individuals within them and just social relations require that such valuations be avoided. Like many social justice perspectives, the eco-feminist perspective maintains that no one will be free unless everyone is free, and that includes non-human animals. (See, for example, Gaard 1993.)

DUALISM, THE BELIEF THAT THE MIND IS FUNDAMENTALLY DIFFERENT FROM PHYSICAL SUBSTANCES, CANNOT PROVE THAT ANIMALS LACK CONSCIOUSNESS

Allen, Colin [Professor of History and Philosophy of Science at Indiana University, Bloomington], "Animal Consciousness", The Stanford Encyclopedia of Philosophy (Summer 2011 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/sum2011/entries/consciousness-animal/>>.

No past or current dualists can prove that animals necessarily lack the fundamental mental properties or substance. Furthermore, given that none of these theories specify empirical means for detecting the right stuff for consciousness, and indeed most dualist theories cannot do so, they seem forced to rely upon behavioral criteria for deciding the Distribution Question. In adopting such criteria, they have some non-dualist allies. For example, Dennett (1969, 1995, 1997), while rejecting Cartesian dualism, nevertheless denies that animals are conscious in anything like the same sense that humans are, due to what he sees as the thoroughly intertwined aspect of language and human experience (see also Carruthers 1996). However, other human beings are less convinced of the centrality of language to their own mental lives (e.g., Grandin 1995).

THOSE WHO VIEW CONSCIOUSNESS AS PART OF SPECIFIC NEUROLOGICAL FUNCTIONS TEND TO BELIEVE THAT SOME ANIMALS HAVE PHENOMENAL CONSCIOUSNESS

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Some philosophers have sought more specific grounding in the neurosciences for their accounts of consciousness. Block (2005) pursues a strategy of using tentative functional characterizations of phenomenal and access consciousness to interpret evidence from neuroscientists' search for neural correlates of consciousness. He argues, on the basis of evidence from both humans and monkeys, that recurrent feedback activity in sensory cortex is the most plausible candidate for being the neural correlate of phenomenal consciousness in these species. Prinz (2005) also pursues a neurofunctional account, but identifies phenomenal consciousness with a different functional role than Block. He argues for identifying phenomenal consciousness with brain processes that are involved in attention to intermediate-level perceptual representations which feed into working memory via higher level, perspective-invariant representations. Since the evidence for such processes is at least partially derived from animals, including other primates and rats, his view is supportive of the idea that phenomenal consciousness is found in some nonhuman species (presumably most mammals). Nevertheless, he maintains that it may be impossible ever to answer the Distribution Question for more distantly related species; he mentions octopus, pigeons, bees, and slugs in this context.

CHIMPANZEES ARE SELF-AWARE

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Gordon Gallup (1970) developed an experimental test of mirror self-recognition (see the section on self-consciousness and metacognition below), and argues the performance of chimpanzees in this test indicates that they are self-aware. Gallup et al. (2002) claim that "the ability to infer the existence of mental states in others (known as theory of mind, or mental state attribution) is a byproduct of being self-aware" and they describe the connection between self-awareness and theory of mind thus: "If you are self-aware then you are in a position to use your experience to model the existence of comparable processes in others." The success of chimpanzees on the mirror self-recognition task thus may give some reason to maintain that they are phenomenally conscious on Carruthers' account.

SIMILARITIES IN BEHAVIOR DEMONSTRATING SIMILAR EXPERIENCES BETWEEN HUMAN AND NON-HUMAN ANIMALS ARE READILY OBSERVABLE

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Many judgments of the similarity between human and animal behavior are readily made by ordinary observers. The reactions of many animals, particularly other mammals, to bodily events that humans would report as painful are easily and automatically recognized by most people as pain responses. High-pitched vocalizations, fear responses, nursing of injuries, and learned avoidance are among the responses to noxious stimuli that are all part of the common mammalian heritage. Similar responses are also visible to some degree or other in organisms from other taxonomic groups.

Less accessible to casual observation, but still in the realm of behavioral evidence are scientific demonstrations that members of other species, even of other phyla, are susceptible to the same visual illusions as we are (e.g., Fujita et al. 1991) suggesting that their visual experiences are similar.

NEUROLOGICAL AND BIOLOGICAL SIMILARITY REVEALED IN ANIMAL TESTING GIVES US GOOD REASON TO BELIEVE THAT NON-HUMAN ANIMALS HAVE MORALLY RELEVANT EXPERIENCES ANALOGOUS TO HUMAN EXPERIENCES

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Neurological similarities between humans and other animals have also been taken to suggest commonality of conscious experience. All mammals share the same basic brain anatomy, and much is shared with vertebrates more generally. Even structurally different brains may be neurodynamically similar in ways that enable inferences about animal consciousness to be drawn (Seth et al. 2005).

As well as generic arguments about the connections among consciousness, neural activity, and behavior, a considerable amount of scientific research is directed towards understanding particular conscious states, especially using animals as proxies for humans. Much of the research that is of direct relevance to the treatment of human pain, including on the efficacy of analgesics and anesthetics, is conducted on rats and other animals. The validity of this research depends on the similar mechanisms involved[6] and to many it seems arbitrary to deny that injured rats, who respond well to opiates for example, feel pain.[7] Likewise, much of the basic research that is of direct relevance to understanding human visual consciousness has been conducted on the very similar visual systems of monkeys. Monkeys whose primary visual cortex is damaged even show impairments analogous to those of human blindsight patients (Stoerig & Cowey 1997) suggesting that the visual consciousness of intact monkeys is similar to that of intact humans. It is often argued that the use of animals to model neuropsychiatric disorders presupposes convergence of emotional and other conscious states and further refinements of those models may strengthen the argument for attributing such states to animals (Sufka et al. 2009). An interesting reversal of the modeling relationship can be found in the work of Temple Grandin, Professor of Animal Science at Colorado State University, who uses her experience as a so-called "high-functioning autistic" as the basis for her understanding of the nature of animal experience (Grandin 1995, 2004).

DETERMINING WHETHER ANIMALS ARE CONSCIOUS IS NOT A MATTER OF DETERMINING SOME OBJECTIVE PHYSICAL FACT. RATHER IT IS ABOUT WHETHER WE INTERPRET ANIMAL BEHAVIOR AND EXPERIENCE AS SENTIENT OR NON-SENTIENT

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Some philosophers have argued that the attribution of consciousness to nonhuman animals is not a matter of drawing an inference at all, but a response more akin to interpretation. As Searle (1998) puts it,

I do not infer that my dog is conscious, any more than, when I came into this room, I inferred that the people present are conscious. I simply respond to them as is appropriate to conscious beings. I just treat them as conscious beings and that is that.

As an account of the psychology of his response to animals, Searle may be correct, although such an account seems inadequate to the actual demands for justification encountered in scientific contexts and in legal or ethical contexts. Searle's point is that such demands are unwarranted — signs of a Cartesian mindset, he would claim, which regards mental states as hidden (albeit material) causes.

Dennett (1987) and Jamieson (1998) have also argued that our understanding of the mental states of animals has more in common with perception and interpretation — a form of animal hermeneutics. Jamieson points out how deeply ingrained and conceptually unifying our everyday practices of interpreting animals mentalistically are, and he quite reasonably makes the point that familiarity with his dog makes him a more sensitive interpreter of her emotional and cognitive states than other observers. Strands of the same point of view can also be found in scientists writing about cognitive ethology (Allen 2004a) and in Wittgensteinian attitudes towards questions of animal mind (e.g, Gaita 2003).

VARIOUS SCIENTIFIC STUDIES SUGGEST THAT VERTEBRATES CAN FEEL PAIN

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Smith & Boyd (1991) assess the evidence for the pain-sensing capabilities of animals in the categories of whether nociceptors are connected to the central nervous system, whether endogenous opioids are present, whether analgesics affect responses, and whether the ensuing behavioral responses are analogous to those of humans (see table 2.3 in Varner 1998, p. 53, which updates the one presented by Smith & Boyd). On the basis of these criteria, Varner follows Smith & Boyd in concluding tentatively that the most obvious place to draw a line between pain-conscious organisms and those not capable of feeling pain consciously is between vertebrates and invertebrates. However, Elwood & Appel (2009) conducted an experiment on hermit crabs which they interpret as providing evidence that pain is experienced and remembered by these crustaceans. Varner also expressed some hesitation about the evidence for conscious pain in "lower" vertebrates: fish, reptiles and amphibians. Allen (2004b) argues, however, that subsequent research indicates that the direction of discovery seems uniformly towards identifying more similarities among diverse species belonging to different taxonomic classes, especially in the domains of anatomy and physiology of the nociceptive and pain systems.

STUDIES SHOW THAT MAMMALS NOT ONLY FEEL PAIN BUT EXPERIENCE EMOTIONAL SUFFERING AS A RESULT

Allen, Colin [Professor of History and Philosophy of Science at Indiana University, Bloomington], "Animal Consciousness", The Stanford Encyclopedia of Philosophy (Summer 2011 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/sum2011/entries/consciousness-animal/>>.

It is generally accepted that the mammalian pain system has both a sensory and an affective pathway, and that these can be dissociated to some degree both pharmacologically (with morphine, e.g.) and surgical lesions. The anterior cingulate cortex (ACC) is a particularly important structure of the mammalian brain in this regard (Price 2000). Allen et al. (2005) and Shriver (2006) argue that this dissociability provides a route to empirical assessment of the affective component of animal consciousness, and Farah (2008) uses it to distinguish suffering from "mere pain".

VETERINARY PRACTICE REFLECTS THE GROWING BELIEF THAT ANIMAL PAIN CAN BE RELIABLY DETECTED, PREVENTED, AND TREATED

Allen, Colin [Professor of History and Philosophy of Science at Indiana University, Bloomington], "Animal Consciousness", The Stanford Encyclopedia of Philosophy (Summer 2011 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/sum2011/entries/consciousness-animal/>>.

Finally, it is worth noting that a major shift in veterinary practice in regards to animal pain has occurred in the past decade. Whereas surgery on animals was once routinely practiced without analgesics or anesthetics, the vast majority of veterinary practitioners now accept the basic premise that veterinarians can be trained to recognize animal pain reliably, and that veterinary patients benefit from the same kinds of pain alleviation treatments that are delivered to humans. It has even been argued that animals possess the neurobiological mechanisms responsible for phantom limb pain and neuropathic pain (pain in the presence of no obvious tissue damage or disease), and that these conditions may therefore be detectable and treatable in nonhuman animals (Mathews 2008).

THERE IS TENTATIVE EVIDENCE THAT THE GREAT APES ARE SELF-AWARE

Allen, Colin [Professor of History and Philosophy of Science at Indiana University, Bloomington], "Animal Consciousness", The Stanford Encyclopedia of Philosophy (Summer 2011 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/sum2011/entries/consciousness-animal/>>.

Systematic study of self-consciousness and theory of mind in nonhuman animals has roots in an approach to the study of self-consciousness pioneered by Gallup (1970). Gallup's rationale for linking mirror-self recognition to self-awareness has already been discussed above. The idea for the experiment came from observations well-known to comparative psychologists that chimpanzees would, after a period of adjustment, use mirrors to inspect their own images. Gallup used these observations to develop a widely-replicated protocol that appears to allow a scientific determination of whether it is merely the mirror image per se that is the object of interest to the animal inspecting it, or whether it is the image qua proxy for the animal itself that is the object of interest. Taking chimpanzees who had extensive prior familiarity with mirrors, Gallup anesthetized his subjects and marked their foreheads with a distinctive dye, or, in a control group, anesthetized them only. Upon waking, marked animals who were allowed to see themselves in a mirror touched their own foreheads in the region of the mark significantly more frequently than controls who were either unmarked or not allowed to look into a mirror.

Although it is typically reported that chimpanzees consistently "pass" the mirror-mark test, a survey of the scientific literature by Shumaker & Swartz (2002) indicates that of 163 chimpanzees tested, only 73 showed mark-touching behavior (although there was considerable variation in the age and mirror experience among these animals). Shumaker & Swartz also report mark-touching behavior in 5 of 6 tested orang utans and 6 of 23 gorillas. They suggest that the lower incidence of mark touching by gorillas may be due to avoidance of socially-significant direct eye contact.

SCIENCE HAS A BUILT-IN BIAS AGAINST FINDING MEANINGFUL COGNITION IN NON-HUMAN ANIMALS

Andrews, Kristin [Associate Professor in the Department of Philosophy and Cognitive Science Program at York University], "Animal Cognition", The Stanford Encyclopedia of Philosophy (Summer 2011 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/sum2011/entries/cognition-animal/>>.

However, Sober also argues that the empirical methodology of psychology places a greater burden of proof on animal cognition research than it does on human cognition research. He suggests that comparative psychologists accept as the null hypothesis that different cognitive mechanisms are at work in humans and animals. Given that type 1 errors (reporting a false positive and rejecting a (possibly true) null hypothesis) are taken to be more serious errors than are type 2 errors (reporting a false negative and not rejecting a null hypothesis when it should be rejected), the practice of science results in a bias against attributing psychological traits to animals (Sober 2005). The debate about how to interpret the results of animal studies in comparison to human studies can be viewed as a debate about an inconsistent application of what the psychologist C. Lloyd Morgan advanced as his Canon. Morgan's Canon states: "In no case may we interpret an action as the outcome of the exercise of a higher psychical faculty, if it can be interpreted as the outcome of the exercise of one which stands lower in the psychological scale" (Morgan 1894, 53). Though this is a longstanding rule of thumb in animal cognition research, sometimes referred to as the "principle of conservatism," it is not a principle commonly used in human cognition research. To complicate matters, attempts to determine which psychical faculties are higher or lower, a task that Morgan's Canon instructs a researcher to perform, have raised worries about its meaningfulness (Allen-Hermanson 2005; Sober 2005).

CHIMPANZEES USE TOOLS

Andrews, Kristin [Associate Professor in the Department of Philosophy and Cognitive Science Program at York University], "Animal Cognition", The Stanford Encyclopedia of Philosophy (Summer 2011 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/sum2011/entries/cognition-animal/>.

Naturalistic studies of tool use in animals took off in the 1960s, when two independent research teams in Tanzania observed chimpanzees making and using tools. Goodall found chimpanzees in Gombe using grasses and twigs to fish for termites, and she observed chimpanzees modifying twigs by stripping off their leaves so they could be used for this purpose (Goodall 1986). Around the same time, Kinji Imanishi's team found chimpanzees using rocks to crack nuts in the Mahale forest, about 200 miles away from Goodall's research site (Nishida 1990).

We now know that chimpanzees make and use tools for a number of different purposes. Chimpanzees at Fongoli, Senegal manufacture spears in four or more steps in order to hunt bush babies (Preutz & Bertolani 2007). Chimpanzees at Bossou, Guinea, use large branches from palm-oil trees to crack open the tree from its crown in order to gain access to a rich food source (Yamakoshi & Sugiyama 1995). Chimpanzees also construct and use sets of tools that they subsequently utilize in a determinate order; Goualougo chimpanzees will manufacture a perforating tool to enlarge holes in a termite nest after an unsuccessful fishing attempt; as soon as the exit hole is enlarged, the chimpanzee then inserts a fishing probe (Sanz and Morgan 2007). Chimpanzees also use tool composites, such as a hammer and anvil, to crack nuts (Nishida 1990; Sakura & Matsuzawa 1991) and they manufacture stone tools (Carvalho et al. 2008).

VARIOUS NON-HUMAN ANIMALS ARE ABLE TO USE TOOLS

Andrews, Kristin [Associate Professor in the Department of Philosophy and Cognitive Science Program at York University], "Animal Cognition", The Stanford Encyclopedia of Philosophy (Summer 2011 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/sum2011/entries/cognition-animal/>.

Tool use in the wild has been discovered in a number of different taxa, including all great apes, some monkeys, some birds, sea otters, and cetaceans. Reports of animal tool use offer evidence in favor of the claim that some animal behavior is functionally rational, in the sense that its behavior allows the animal to achieve a goal. Furthermore, it is perhaps the result of an evolutionary adaptation. However, the extent to which such evidence addresses the question of whether the behavior is rational in the sense of being in the space of reasons is a matter of debate.

BABOONS' POSSESSION OF COMPLEX SOCIAL KNOWLEDGE SHOWS THAT THEY POSSESS THE ABILITY TO UNDERSTAND AND EMPLOY CONCEPTS

Andrews, Kristin [Associate Professor in the Department of Philosophy and Cognitive Science Program at York University], "Animal Cognition", The Stanford Encyclopedia of Philosophy (Summer 2011 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/sum2011/entries/cognition-animal/>>.

Social knowledge offers a window for field researchers who investigate animal concepts. Cheney and Seyfarth argue that primate behavior relies on a rich body of social knowledge, and that this knowledge suggests that primates have conceptual understanding (Cheney & Seyfarth 2009, forthcoming). Taking the case of baboons, we know that they recognize individuals, classify them into groups according to properties including close social bonds, kinship, dominance ranks, and transient sexual relations. For example, knowledge of kinship is demonstrated in instances of kin-mediated reconciliation, when an antagonistic encounter is resolved by a kin of the aggressor giving a reconciliation grunt. This categorical information informs baboon behavior. In addition, some of these relationships change over time, and can have widespread repercussions over the group dominance organization. Baboons are able to quickly make adjustments about linear dominance ranks after a rank reversal, even when the reversal affects different matriline and causes changes in the rank relationship of several individuals. Cheney and Seyfarth argue that memory and classical conditioning alone cannot account for the richness of primate social knowledge, given the amount of information primates would have to represent — they claim that a baboon would have to learn thousands of dyadic relations, and tens of thousands of triadic relations in order to anticipate other animals' behavior. In addition to worries about the space needed to represent all those relations, they point out that the speed of baboon behavior in response to a complex problem is not consistent with the hypothesis that baboons solve social problems by searching through a humongous and unstructured database of relations. Rather, Cheney and Seyfarth suggest that baboons and other primates with complex social societies organize individuals into rule-governed classes, or concepts. This, they argue, is an adaptive strategy (Cheney & Seyfarth 2009).

THERE ARE A VARIETY OF APPROACHES WHICH SUGGEST THAT ANIMALS PRACTICE A FORM OF MORALITY

Andrews, Kristin [Associate Professor in the Department of Philosophy and Cognitive Science Program at York University], "Animal Cognition", The Stanford Encyclopedia of Philosophy (Summer 2011 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/sum2011/entries/cognition-animal/>.

Recently there has been a resurgence of interest in examining whether other species share with humans any of the faculties involved in moral reasoning or ethical behavior. The growing understanding we have about other species have led some to conclude that at least some animals have morality or the ability to engage in moral and immoral behavior (de Waal 2006; Bekoff & Pierce 2009). According to continuity views, which state that different species have morality – or something like it – to some degree, the psychological capacities required for entry into the normative are not all-or-nothing. Frans de Waal takes this position when he argues that empathy and reciprocity are necessary conditions for morality, and that many species demonstrate primitive versions of these requirements. He takes these behaviors as evidence that animals have a moral sense, though one that is not as developed as the human moral sense. However, one might argue that an animal who lacks many of the cognitive capacities of adult humans can still be a moral agent because there are different kinds of moral agents, and animal species can have their own form of morality. This view is defended by Bekoff & Pierce (2009) who argue that some species have a distinct form of morality that is not a precursor to human morality. Because they take 'morality' to mean "a suite of other-regarding behaviors that cultivate and regulate complex interactions within social groups" (Bekoff & Pierce 2009, 82), they take the complexity of animal behavior, social organization, and cognitive flexibility to demonstrate that other species have morality in this sense. Central to the view is that different species have different norms, and that this makes animal morality species-relative. Despite the differences, they claim that the important similarities between species include the capacities for empathy, altruism, cooperation and perhaps a sense of fairness. Whether or not such claims about animal capacities are true is a matter of much current research.

CHIMPANZEES ENGAGE IN SOCIAL COOPERATION

Andrews, Kristin [Associate Professor in the Department of Philosophy and Cognitive Science Program at York University], "Animal Cognition", The Stanford Encyclopedia of Philosophy (Summer 2011 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/sum2011/entries/cognition-animal/>.

Others claim that what may look like prosocial behavior may instead be a way of eliminating aversive stimuli. For example, research on rats and rhesus monkeys has shown that both species will cease eating when doing so causes shocks to a conspecific in an adjoining cage (Masserman et al. 1964). Masserman reports that one rhesus monkey almost starved himself to death to avoid shocking another. Alternatively, helping behavior among kin may be explained noncognitively as biological altruism. To determine whether other species engage in helping behavior that cannot be explained by other mechanisms, researchers have developed paradigms to determine whether chimpanzees display helping behavior to unrelated individuals. Chimpanzees are thought to be an especially good species to examine, given the range of cooperative behaviors they naturally perform, such as hunting (Boesch 2002), border patrolling (Mitani 2002), and coalition building (de Wall 1982). Cooperation among chimpanzees (Hirata 2003; Melis et al. 2006) and bonobos (Hare et al. 2007) has been demonstrated in a food-sharing task, but chimpanzees are thought to cooperate only when the dyads are generally tolerant of one another (Hare et al. 2007).

BECAUSE ANIMALS CAN EXPERIENCE PLEASURE AND PAIN, UTILITARIANISM REGARDS THEM AS HAVING MORALLY RELEVANT INTERESTS

Peter Singer [Professor of Bioethics at Princeton University], "Utilitarianism and Vegetarianism," *Philosophy & Public Affairs*, Vol. 9, No. 4 (Summer, 1980), pp. 325-337.

When we apply utilitarianism to the issue of how we should treat animals, one vital point stands out immediately. Utilitarianism, in its classical form, aims at minimizing pain and maximizing pleasure. Many nonhuman animals can experience pain and pleasure. (Perhaps some simpler forms of animal life cannot, but I shall leave this qualification aside.) Therefore they are morally significant entities. They have moral standing. In this respect they are like humans and unlike rocks.

THE TRANSITION COSTS TO ELIMINATING FACTORY FARMING ARE SHORT TERM, WHEREAS THE SUFFERING SPARED IN IS POTENTIALLY INDEFINITE

Peter Singer [Professor of Bioethics at Princeton University], "Utilitarianism and Vegetarianism," *Philosophy & Public Affairs*, Vol. 9, No. 4 (Summer, 1980), pp. 325-337.

Suppose we leave these benefits aside, and focus only on the benefits to animals and losses to animal producers. It still seems that if the choice is between perpetuating or abolishing factory farming, the principle of utility tells us to abolish factory farming. While this will certainly have costs for many people, the costs will occur once only. There is no reason to believe that working on a factory farm is a particularly enjoyable way of making a living; visiting one strongly suggests the reverse. It is the disruption of a settled life and occupation that causes the loss of utility. Now either factory farming will eventually cease- in which case the costs of the transition are merely postponed-or animals will go on suffering in factory farms forever. Compare the indefinite prolongation of animal suffering with the once-only costs of a transition, and I think that as long as we give the interests of animals equal consideration with similar human interests, the answer is clear.

It might be said that the best solution would be neither the perpetuation of factory farming nor its sudden abolition, but a gradual phasing out which would allow the industry to be wound down in an orderly fashion. But this is likely to happen in any case. I have no illusions about seeing vegetarianism sweep America overnight. If the vegetarian movement succeeds at all, it will succeed gradually enough for factory farming to be phased out over many years. On utilitarian grounds, this is what we want.

THE UTILITARIAN MORAL REQUIREMENT TO BE A VEGETARIAN HOLDS EVEN IF ONE PERSON CAN'T BE CERTAIN OF MAKING A DIRECT DIFFERENCE

Peter Singer [Professor of Bioethics at Princeton University], "Utilitarianism and Vegetarianism," *Philosophy & Public Affairs*, Vol. 9, No. 4 (Summer, 1980), pp. 325-337.

Looking at one's own decision to be a vegetarian, it may seem frustrating that one cannot be sure that one has saved even a single animal from a miserable life on a factory farm; but from a utilitarian perspective it really makes no difference whether each vegetarian is personally responsible for saving ten chickens a year from this fate, or one vegetarian in 10,000 makes the difference that will save 100,000 birds. Utilitarianism judges actions by their likely consequences, and so it ranks the certainty of saving ten chickens equally with the 1 in 10,000 chance of saving 100,000. As long as I have no idea whether or not my own decision to go vegetarian is the decision that takes the demand for chickens below the threshold, the strength of this reason for being a vegetarian is unaffected.¹

**IDIOSYNCRATIC ANIMAL PHYSIOLOGY AND THE STRESS CREATED BY THE
LABORATORY SETTING OFTEN MEAN THAT MEDICAL TESTING ON ANIMALS IS
MISLEADING TO RESEARCHERS**

Neal D. Barnard [Adjunct Associate Professor of Medicine at the George Washington University School of Medicine and Health Sciences] and Stephen R. Kaufman [Clinical Assistant Professor at both Case Western Reserve University and Northeastern Ohio University's College of Medicine], "Animal Research is Wasteful and Misleading," *Scientific American*, February 1997, pp. 80-82.

The process of scientific discovery often begins with unexpected observations that force researchers to reconsider existing theories and to conceive hypotheses that better explain their findings. Many of the apparent anomalies seen in animal experiments, however, merely reflect the unique biology of the species being studied, the unnatural means by which the disease was induced or the stressful environment of the laboratory. Such irregularities are irrelevant to human pathology, and testing hypotheses derived from these observations wastes considerable time and money.

**THE PROCESS OF SIMULATING HUMAN PATHOLOGY IN ANIMALS MAKES ANIMAL
RESEARCH UNRELIABLE**

Neal D. Barnard [Adjunct Associate Professor of Medicine at the George Washington University School of Medicine and Health Sciences] and Stephen R. Kaufman [Clinical Assistant Professor at both Case Western Reserve University and Northeastern Ohio University's College of Medicine], "Animal Research is Wasteful and Misleading," *Scientific American*, February 1997, pp. 80-82.

The majority of animals in laboratories are used as so-called animal models: through genetic manipulation, surgical intervention or injection of foreign substances, researchers produce ailments in these animals that "model" human conditions. This research paradigm is fraught with difficulties, however. Evolutionary pressures have resulted in innumerable subtle, but significant, differences between species. Each species has multiple systems of organs—the cardiovascular and nervous systems, for example—that have complex interactions with one another. A stimulus applied to one particular organ system perturbs the animal's overall physiological functioning in myriad ways that often cannot be predicted or fully understood. Such uncertainty severely undermines the extrapolation of animal data to other species, including humans.

ANIMAL MEDICAL TESTING HAS A LONG HISTORY OF MISLEADING TEST RESULTS

Neal D. Barnard [Adjunct Associate Professor of Medicine at the George Washington University School of Medicine and Health Sciences] and Stephen R. Kaufman [Clinical Assistant Professor at both Case Western Reserve University and Northeastern Ohio University's College of Medicine], "Animal Research is Wasteful and Misleading," *Scientific American*, February 1997, pp. 80-82.

Important medical advances have been delayed because of misleading results derived from animal experiments. David Wiebers and his colleagues at the Mayo Clinic, writing in the journal *Stroke* in 1990, described a study showing that of the 25 compounds that reduced damage from ischemic stroke (caused by lack of blood flow to the brain) in rodents, cats and other animals, none proved efficacious in human trials. The researchers attributed the disappointing results to disparities between how strokes naturally occur in humans and how they were experimentally triggered in the animals. For instance, a healthy animal that experiences a sudden stroke does not undergo the slowly progressive arterial damage that usually plays a crucial role in human strokes.

During the 1920s and 1930s, studies on monkeys led to gross misconceptions that delayed the fight against poliomyelitis. These experiments indicated that the poliovirus infects mainly the nervous system; scientists later learned this was because the viral strains they had administered through the nose had artificially developed an affinity for brain tissue. The erroneous conclusion, which contradicted previous human studies demonstrating that the gastrointestinal system was the primary route of infection, resulted in misdirected preventive measures and delayed the development of a vaccine. Research with human cell cultures in 1949 first showed that the virus could be cultivated on nonneural tissues taken from the intestine and limbs. Yet in the early 1950s, cell cultures from monkeys rather than humans were used for vaccine production; as a result, millions of people were exposed to potentially harmful monkey viruses.

In a striking illustration of the inadequacy of animal research, scientists in the 1960s deduced from numerous animal experiments that inhaled tobacco smoke did not cause lung cancer (tar from the smoke painted on the skin of rodents did cause tumors to develop, but these results were deemed less relevant than the inhalation studies). For many years afterward, the tobacco lobby was able to use these studies to delay government warnings and to discourage physicians from intervening in their patients' smoking habits.

Of course, human population studies provided inescapable evidence of the tobacco-cancer connection, and recent human DNA studies have identified tobacco's "smoking gun," showing how a derivative of the carcinogen benzo(a)-pyrene targets human genes, causing cancer. (It turns out that cancer research is especially sensitive to differences in physiology between humans and other animals. Many animals, particularly rats and mice, synthesize within their bodies approximately 100 times the recommended daily allowance for humans of vitamin C, which is believed to help the body ward off cancer.)

ANIMAL STRESS IN LABORATORY SETTINGS MAKES TESTING DISTORTS THE RESULTS OF MEDICAL TESTING ON ANIMALS

Neal D. Barnard [Adjunct Associate Professor of Medicine at the George Washington University School of Medicine and Health Sciences] and Stephen R. Kaufman [Clinical Assistant Professor at both Case Western Reserve University and Northeastern Ohio University's College of Medicine], "Animal Research is Wasteful and Misleading," *Scientific American*, February 1997, pp. 80-82.

The stress of handling, confinement and isolation alters an animal's physiology and introduces yet another experimental variable that makes extrapolating results to humans even more difficult. Stress on animals in laboratories can increase susceptibility to infectious disease and certain tumors as well as influence levels of hormones and antibodies, which in turn can alter the functioning of various organs.

THE DIFFERENCES IN HUMAN AND ANIMAL PHYSIOLOGY HAVE LED TO MANY MISLEADING FINDING IN ANIMAL RESEARCH WITH DANGEROUS HEALTH CONSEQUENCES

Neal D. Barnard [Adjunct Associate Professor of Medicine at the George Washington University School of Medicine and Health Sciences] and Stephen R. Kaufman [Clinical Assistant Professor at both Case Western Reserve University and Northeastern Ohio University's College of Medicine], "Animal Research is Wasteful and Misleading," *Scientific American*, February 1997, pp. 80-82.

In addition to medical research, animals are also used in the laboratory to test the safety of drugs and other chemicals; again, these studies are confounded by the fact that tests on different species often provide conflicting results. For instance, in 1988 Lester Lave of Carnegie Mellon University reported in the journal *Nature* that dual experiments to test the carcinogenicity of 214 compounds on both rats and mice agreed with each other only 70 percent of the time. The correlation between rodents and humans could only be lower. David Salsburg of Pfizer Central Research has noted that of 19 chemicals known to cause cancer in humans when ingested, only seven caused cancer in mice and rats using the standards set by the National Cancer Institute.

Indeed, many substances that appeared safe in animal studies and received approval from the U.S. Food and Drug Administration for use in humans later proved dangerous to people. The drug milrinone, which raises cardiac output, increased survival of rats with artificially induced heart failure; humans with severe chronic heart failure taking this drug had a 30 percent increase in mortality. The antiviral drug fialuridine seemed safe in animal trials yet caused liver failure in seven of 15 humans taking the drug (five of these patients died as a result of the medication, and the other two received liver transplants). The commonly used painkiller zomepirac sodium was popular in the early 1980s, but after it was implicated in 14 deaths and hundreds of life-threatening allergic reactions, it was withdrawn from the market. The antidepressant nomifensine, which had minimal toxicity in rats, rabbits, dogs and monkeys, caused liver toxicity and anemia in humans—rare yet severe, and sometimes fatal, effects that forced the manufacturer to withdraw the product a few months after its introduction in 1985.

These frightening mistakes are not mere anecdotes. The U.S. General Accounting Office reviewed 198 of the 209 new drugs marketed between 1976 and 1985 and found that 52 percent had "serious postapproval risks" not predicted by animal tests or limited human trials. These risks were defined as adverse reactions that could lead to hospitalization, disability or death. As a result, these drugs had to be relabeled with new warnings or withdrawn from the market. And of course, it is impossible to estimate how many potentially useful drugs may have been needlessly abandoned because animal tests falsely suggested inefficacy or toxicity.

THERE ARE A VARIETY OF EFFECTIVE ALTERNATIVES TO MEDICAL TESTING ON ANIMALS

Neal D. Barnard [Adjunct Associate Professor of Medicine at the George Washington University School of Medicine and Health Sciences] and Stephen R. Kaufman [Clinical Assistant Professor at both Case Western Reserve University and Northeastern Ohio University's College of Medicine], "Animal Research is Wasteful and Misleading," *Scientific American*, February 1997, pp. 80-82.

Researchers have better methods at their disposal. These techniques include epidemiological studies, clinical intervention trials, astute clinical observation aided by laboratory testing, human tissue and cell cultures, autopsy studies, endoscopic examination and biopsy, as well as new imaging methods. And the emerging science of molecular epidemiology, which relates genetic, metabolic and biochemical factors with epidemiological data on disease incidence, offers significant promise for identifying the causes of human disease.

MODERN PRACTICES IN MEDICAL RESEARCH HAVE ESSENTIALLY ELIMINATED THE NEED FOR ANIMAL TESTING

Neal D. Barnard [Adjunct Associate Professor of Medicine at the George Washington University School of Medicine and Health Sciences] and Stephen R. Kaufman [Clinical Assistant Professor at both Case Western Reserve University and Northeastern Ohio University's College of Medicine], "Animal Research is Wasteful and Misleading," *Scientific American*, February 1997, pp. 80-82.

The issue of what role, if any, animal experimentation played in past discoveries is not relevant to what is necessary now for research and safety testing. Before scientists developed the cell and tissue cultures common today, animals were routinely used to harbor infectious organisms. But there are few diseases for which this is still the case—modern methods for vaccine production are safer and more efficient. Animal toxicity tests to determine the potency of drugs such as digitalis and insulin have largely been replaced with sophisticated laboratory tests that do not involve animals.

CITING ANIMAL TESTING IS OFTEN A RHETORICAL DEVICE USED BY RESEARCHERS DESPITE THE INCONCLUSIVE NATURE OF ANIMAL STUDIES

Neal D. Barnard [Adjunct Associate Professor of Medicine at the George Washington University School of Medicine and Health Sciences] and Stephen R. Kaufman [Clinical Assistant Professor at both Case Western Reserve University and Northeastern Ohio University's College of Medicine], "Animal Research is Wasteful and Misleading," *Scientific American*, February 1997, pp. 80-82.

Animal "models" are, at best, analogous to human conditions, but no theory can be proved or refuted by analogy. Thus, it makes no logical sense to test a theory about humans using animals. Nevertheless, when scientists debate the validity of competing theories in medicine and biology, they often cite animal studies as evidence. In this context, animal experiments serve primarily as rhetorical devices. And by using different kinds of animals in different protocols, experimenters can find evidence in support of virtually any theory. For instance, researchers have used animal experiments to show that cigarettes both do and do not cause cancer.

THE PAST SUCCESSES CLAIMED BY PROPONENTS OF ANIMAL RESEARCHERS ARE ILLUSORY

Neal D. Barnard [Adjunct Associate Professor of Medicine at the George Washington University School of Medicine and Health Sciences] and Stephen R. Kaufman [Clinical Assistant Professor at both Case Western Reserve University and Northeastern Ohio University's College of Medicine], "Animal Research is Wasteful and Misleading," *Scientific American*, February 1997, pp. 80-82.

Animal experimenters often defend their work with brief historical accounts of the supposedly pivotal role of animal data in past advances. Such interpretations are easily skewed. For example, proponents of animal use often point to the significance of animals to diabetes research. But human studies by Thomas Cawley, Richard Bright and Appollinaire Bouchardat in the 18th and 19th centuries first revealed the importance of pancreatic damage in diabetes. In addition, human studies by Paul Langerhans in 1869 led to the discovery of insulin-producing islet cells. And although cows and pigs were once the primary sources for insulin to treat diabetes, human insulin is now the standard therapy, revolutionizing how patients manage the disease.

Animal experimenters have also asserted that animal tests could have predicted the birth defects caused by the drug thalidomide. Yet most animal species used in laboratories do not develop the kind of limb defects seen in humans after thalidomide exposure; only rabbits and some primates do. In nearly all animal birth-defect tests, scientists are left scratching their heads as to whether humans are more like the animals who develop birth defects or like those who do not.

UTILITARIANS LIKE PETER SINGER BELIEVE THAT ANIMAL SUFFERING SHOULD BE AVOIDED JUST LIKE HUMAN SUFFERING

Madhusree Mukerjee [Ph.D Physics, University of Chicago, editor of *Scientific American*], "Trends in Animal Research," *Scientific American*, February 1997, pp. 86-93.

It rebounded in the 1970s, with Singer's attack. A philosopher in the utilitarian tradition of Bentham, Singer holds that in all decisions the total amount of good that results—human and animal—should be weighed against the suffering—human and animal—caused in the process. Not that to him the interests of humans and animals have equal weight: life is of far greater value to a human than, for example, to a creature with no self-awareness. But if there is something one would not do to, say, a severely incapacitated child, then neither should one do it to an animal that would suffer as much. Ignoring the interests of an animal just because it is not human is, to Singer, "speciesism," a sin akin to racism. Invoking the connections between humans and the great apes, Singer, Goodall and others have issued a call for these creatures, at least, to be freed from experimentation.

THE ARGUMENT THAT HUMANS MAY USE OTHER CREATURES BECAUSE THEY ARE MORE ADVANCED ON AN EVOLUTIONARY SCALE COMMITS THE NATURALISTIC FALLACY

Madhusree Mukerjee [Ph.D Physics, University of Chicago, editor of *Scientific American*], "Trends in Animal Research," *Scientific American*, February 1997, pp. 86-93.

Some research proponents also note that nature is cruel: lions kill zebras, cats play with mice. Evolution has placed humans on top, so it is only natural for us to use other creatures. This argument, which some say elevates "survival of the fittest" to a moral philosophy, falls prey to a proposition called the naturalistic fallacy. To paraphrase the 18th-century philosopher David Hume, what "is" cannot dictate what "ought to be." So natural history may well illuminate why human morals evolved into their present form, but humans can transcend their nature. One animal advocate declares: "Killing and eating [meat] is an integral part of the evolution of human beings. Not killing and not eating [meat] is the next step in our evolution."

PUBLIC AND SCIENTIFIC SUPPORT FOR ANIMAL TESTING HAS FALLEN OVER TIME

Madhusree Mukerjee [Ph.D Physics, University of Chicago, editor of *Scientific American*], "Trends in Animal Research," *Scientific American*, February 1997, pp. 86-93.

Public support of animal experimentation, though higher in the U.S. than in Europe, has been slowly declining. In 1985, 63 percent of American respondents agreed that "scientists should be allowed to do research that causes pain and injury to animals like dogs and chimpanzees if it produces new information about human health problems"; in 1995, 53 percent agreed. Even in disciplines that have traditionally used animals, the trend is unmistakable. A survey by Scott Plous of Wesleyan University finds that psychologists with Ph.D.'s earned in the 1990s are half as likely to express strong support for animal research as those with Ph.D.'s from before 1970. (Part of this result comes from the increased presence of women, but there is a significant drop among men as well.)

OPPOSITION TO ANIMAL TESTING DOES NOT CORRELATE TO LACK OF SCIENTIFIC KNOWLEDGE

Madhusree Mukerjee [Ph.D Physics, University of Chicago, editor of *Scientific American*], "Trends in Animal Research," *Scientific American*, February 1997, pp. 86-93.

Opposition to animal experimentation is often said to derive from antiscience sentiments, aggravated by poor public knowledge of science. But according to a 1994 survey led by Linda Pifer of the Chicago Academy of Sciences, negative attitudes toward animal experimentation in the U.S. correlate only weakly with lack of knowledge about science. And in Belgium, France and Italy, for instance, greater scientific literacy is connected with an increased rejection of animal experimentation.

BEHAVIORISTIC ASSUMPTIONS IN ANIMAL TESTING ENCOURAGE INTERPRETING ANIMAL BEHAVIOR IN TERMS OF INSTINCTIVE REACTIONS, WHICH IN TURN PROVIDES RESEARCHERS PSYCHOLOGICAL DISTANCE

Madhusree Mukerjee [Ph.D Physics, University of Chicago, editor of *Scientific American*], "Trends in Animal Research," *Scientific American*, February 1997, pp. 86-93.

Of course, scientists' perceptions of animals have evolved as well. In the early 20th century Darwinian worries about emotions were dispelled by the rise of behaviorism. Because thoughts cannot be measured, but behavior can, practitioners such as C. Lloyd Morgan and, later, B. F. Skinner sought to describe animals purely in terms of their responses to stimuli. Bernard Rollin, author of *The Unheeded Cry* (Oxford University Press, 1989), argues that at some point, the animal psyche went from being impossible to measure to being nonexistent. The test of a good theory, "Morgan's canon," required all actions to be interpreted in terms of the lowest psychological faculties possible. In practice, this meant that a rat would not be feeling pain even if its "writhes per minute" were being used to test the efficacy of an analgesic. Its neurochemistry was merely inducing a physiological reflex.

"We were taught as undergraduates not to think of animals as other than stimulus-response bundles," asserts Melanie Stiassney, an ichthyologist at the American Museum of Natural History. "The dogma is you can't credit them with feelings." In turn, it is often thought undesirable for a researcher to have feelings about the animal under study: emotions can impair professional judgment and also make it hard to perform certain procedures. Arnold Arluke, a sociologist at Northeastern University who studied animal laboratories from 1985 to 1993, reports that some technicians were deeply disturbed when a playful dog or a roomful of mice had to be put down. Such distress was officially discouraged and therefore kept secret. But after being "burned" by the death of a favorite animal, laboratory workers learned to avoid emotional connections with the creatures.

The resulting dissociation, which is often likened to that of a surgeon from a patient, allows a researcher to function with a minimum of stress. But given the emotional separation, a scientist may not realize when an animal is in pain—especially if the very existence of pain is in doubt. Nowadays, many researchers are aware of dissociation and seek objective ways to detect distress. And animal pain has come into its own. At a 1996 meeting on the Guide to the Care and Use of Laboratory Animals—a collection of guidelines that all researchers funded by the National Institutes of Health have to follow—veterinarian Gerald F. Gebhart of the University of Iowa stated that the pain-sensing apparatus is the same throughout the vertebrate kingdom and offered this rule of thumb: "If it hurts you, it probably hurts the animal."

EXPERIMENTERS OFTEN FAIL TO ADMINISTER SUFFICIENT PARALYTIC DRUGS TO ANIMAL TEST SUBJECTS

Madhusree Mukerjee [Ph.D Physics, University of Chicago, editor of *Scientific American*], "Trends in Animal Research," *Scientific American*, February 1997, pp. 86-93.

One area of concern to American veterinarians involves paralytic drugs. These agents immobilize an animal for surgery, for six or more hours at a time; anesthesia, however, may wear off in an hour or two. A few researchers are reportedly reluctant to administer additional anesthetics for fear that an overdose could kill the animal before the experiment is over, leading to a loss of data. But without such "topping up," the animal may become conscious during the operation and not be able to convey, by twitch or cry, that it is in agony. And some scientists object to using painkillers because they do not want to introduce a new variable into the experiment.

THERE IS OFTEN INSUFFICIENT DISCUSSION OF ETHICAL ISSUES IN LABORATORY SETTINGS

Madhusree Mukerjee [Ph.D Physics, University of Chicago, editor of *Scientific American*], "Trends in Animal Research," *Scientific American*, February 1997, pp. 86-93.

Finding itself under moral—and sometimes physical—siege, the research community has often retreated behind electronic surveillance systems—and an ethical code that frequently denounces internal dissent as treason, "giving ammunition to the enemy." One scientist interviewed for this article said that if his criticisms became known, he would be fired. In 1991 two animal researchers, John P. Gluck and Steven R. Kubacki of the University of New Mexico, wrote a treatise deploring the lack of ethical introspection in their field. Gluck testifies that the article quickly changed his status from an insider to a distrusted outsider. Arluke's studies revealed an absence of discussion about ethics: in 33 of 35 laboratories, moral positions were defined institutionally. Newcomers were given to understand that senior scientists had answered all the difficult questions, leaving them little to worry about.

The insulation has made it difficult for changes in other branches of the life sciences—or from across the Atlantic—to filter in. Primatologists, for instance, have been discussing complex emotions in their subjects for decades. But many American experimenters still refuse to use the word "suffering," because it suggests an animal has awareness. Even the word "alternatives" is suspect; instead the NIH describes these as "adjuncts" or "complements" to animal research. Some researchers seem to regard the three Rs as an animal-rights conspiracy. Robert Burke of the NIH has stated: "To argue that we must refine our methods suggests that they are currently inadequate or unethical In my view, it is intellectually dishonest and hypocritical to continue to advocate the original three Rs as a goal for science policy. It is also, without question, dangerous to give our enemies such useful tools with which to pervert the scientific enterprise."

THERE ARE SUBSTANTIAL INCIDENTAL ADVANTAGES TO ADOPTING A VEGETARIAN DIET

Peter Singer [Professor of Bioethics at Princeton University], "Utilitarianism and Vegetarianism," *Philosophy & Public Affairs*, Vol. 9, No. 4 (Summer, 1980), pp. 325-337.

The third step in the calculations would be to consider the loss of utility to people involved in raising animals likely to result from our all becoming vegetarians. This I have not done, largely because I assumed that any such loss of utility would in the long run be outweighed by the benefits to both animals and humans. I say "animals and humans" because while Regan is right to say that any utilitarian should include this loss of utility in the calculations, if we are to look at the question objectively we should include incidental gains as well as incidental losses. In *Animal Liberation* I made the point—which many others with no special concern for animals have also made—that a reduction in the amount of animal flesh consumed by Westerners would release enormous amounts of grain, soybeans and other high-quality plant foods, now being fed to animals, for hungry and malnourished humans who cannot afford to pay the prices paid for these crops by factory farmers. The gain in utility from this alone could far outweigh the losses to animal producers. Next we add in the possible reduction a vegetarian diet would bring in human suffering from heart disease and cancer of the stomach and colon. Finally, there would be environmental benefits from ending factory farming, which is energy intensive and leads to problems in disposing of the huge quantities of animal wastes which it concentrates on one site.¹³

THE NUMBER OF ANIMALS USED IN LABORATORY EXPERIMENTS IS GOING DOWN FOR A VARIETY OF REASONS

Madhusree Mukerjee [Ph.D Physics, University of Chicago, editor of *Scientific American*], "Trends in Animal Research," *Scientific American*, February 1997, pp. 86-93.

There is no question about it: the number of animals used in laboratory experiments is going down. In the U.K., the Netherlands, Germany and several other European countries, the total has fallen by half since the 1970s. In Canada, mammals have largely been replaced by fish. The figures for the U.S. are unclear. The U.S. uses between 18 and 22 million animals a year, but exact numbers are unknown for roughly 85 percent of these—rats, mice and birds. Primate use has stayed constant, whereas the use of dogs and cats is down by half since the 1970s.

No one reason accounts for the decline, but several factors are obvious. In 1975 the animal-rights movement exploded onto the scene with the publication of *Animal Liberation* by the Australian philosopher Peter Singer. The book's depiction of research, and a series of exposés by suddenly vigilant activists, threw a harsh spotlight on scientists. In the following years, public perceptions of animals became increasingly sympathetic. Dian Fossey, Jane Goodall and other ethologists related to an enthralled audience tales of love, sorrow, jealousy and deceit among primates. Although not so popular with scientists, such anthropomorphic views of animals fueled the passage of laws regulating experimentation.

And the scientists have changed. Those entering the biomedical profession in recent decades have imbibed at least some of the concerns of the movement, if not its ideals; many are willing to acknowledge the moral dilemmas of their craft. Some experiments that were applauded in the 1950s would not be done today, because they would be deemed to cause too much suffering. Oftentimes biotechnology is allowing test tubes to be substituted for animals. And a few researchers, cognizant that only their expertise can help reduce the need for animals, are avidly seeking alternatives. All these efforts are bearing fruit.

SINCE THE 1960S GOVERNMENTS HAVE INVESTED SUBSTANTIAL SUMS TO INVENT ALTERNATIVES TO ANIMAL TESTING

Madhusree Mukerjee [Ph.D Physics, University of Chicago, editor of *Scientific American*], "Trends in Animal Research," *Scientific American*, February 1997, pp. 86-93.

Starting in the 1960s, humane organizations and governments began to fund studies in alternative methods. European governments, especially, have invested considerable resources. For the past 15 years, Germany has been giving out about \$6 million a year in research grants alone; the Netherlands spends \$2 million a year (including overheads for its alternatives center). The European Center for the Validation of Alternative Methods, a body set up in 1992 by the European Commission, requires another \$9 million annually. In the U.S., governmental interest has been comparatively low; the National Institute of Environmental Health Sciences (NIEHS) is now offering \$1.5 million worth of grants a year, for three years. And industry provides the \$1 million a year that the Center for Alternatives to Animal Testing (CAAT) at Johns Hopkins University disburses in grants. (Although 15 federal agencies have recently formed the Interagency Coordinating Committee for Validation of Alternative Methods, this venture is as yet unfunded.)

NOT ONLY DOES KANTIANISM ALLOW ROOM FOR ANIMALS; IT IS MORE STRICT THAN UTILITARIANISM

Korsgaard, Christine (2011). "Interacting with Animals." Oxford Handbook on Ethics and Animals. (ed). T. Beauchamp and R.G. Frey. Oxford: Oxford University Press. 110-111

Earlier, I said that a Kantian story about our duties to the other animals is in some ways stricter but in some ways more tractable than a utilitarian account. We've just seen one way in which the Kantian account is stricter. Some utilitarians think it would be perfectly acceptable to kill animals in order to eat them, if only we kept them humanely while they were alive and then killed them painlessly. I do not think that is consistent with regarding animals as ends in themselves. But let me now say why I think that the Kantian account is nevertheless in some ways more tractable.

Part of the reason why people resist the idea that the other animals might also be ends in themselves is that it can look as if the duties that would result would be enormously burdensome, preposterous, or even impossible. Should we try to ensure the happiness or comfort of every rat and rabbit on the planet? Find a way to "disinfect" malarial mosquitoes so we don't need to kill them? What do we do when the interests of one species are at odds with the interests of another? I was once at a conference on ethics and animals where there was a lively discussion of the question whether, were it in our power, we should try to eliminate predation from the world. So long as the interests of animals are at odds with each other, we can't make them all happy and comfortable. But of course the interests of animals are at odds with each other—that's the way that nature works. So should we try to fix nature?

Such questions arise naturally for utilitarians, who think that the main question of ethics is how we can make the world as good as possible. And I'm not saying we shouldn't ask such questions. It would indeed be better if every animal on the planet could be happy and comfortable, and live the term of his or her natural life. But I suspect that focusing on such questions is what makes some people so anxious to believe that the other animals are in some way less valuable than we are. What, they wonder, would we be committed to if we thought otherwise? So it's worth remembering that on a Kantian account, the subject matter of morality is not how we should make the world; it is how we should interact with and relate to others. Even if we can't remake the world into a place without predation, we can avoid being predators; even if we can't ensure the comfort of every rat and rabbit on the planet, we can avoid experimenting on rats and rabbits for the sake of our own comfort. What makes it worth acting in these ways is not just that it has a good result. It is worth it for its own sake, as an expression of respect for, and solidarity with, the creatures on this planet who share our surprising fate—the other beings for whom things can be naturally good or bad.

KANTIANISM DOES ALLOW ROOM FOR EXTENDING RESPONSIBILITY TO ANIMALS

Korsgaard, Christine (2011). "Interacting with Animals." Oxford Handbook on Ethics and Animals. (ed). T. Beauchamp and R.G. Frey. Oxford: Oxford University Press.108-109

The stronger way to make the argument is just to say that because the original act of self-respect involves a decision to treat what is naturally good or bad for you as something good or bad objectively and normatively, the self on whom value is conferred is the self for whom things can be naturally good or bad. And the self for whom things can be naturally good or bad is your animal self: that is the morally significant thing we have in common with the other animals. It is on ourselves as possessors of a natural good, that is, on our animal selves, that we confer value. Since our legislation is universal, and confers value on animal nature, it follows that we will that all animals are to be treated as ends in themselves.

According to the argument I have just presented, the sense in which we owe duties to the other animals is slightly different from the sense in which we owe duties to other human beings. If obligation to another is understood as the acknowledgment of a claim under the authority of laws we make together, we are not obligated to the other animals. The other animals do not make claims on us in the name of common laws that we will together. Rather, we see them as falling under the protection of our laws, and we make claims on ourselves on their behalf. To that extent, Kant was right to think that our duties to the other animals arise by way of our duties to ourselves. But if obligation to another is understood as the acknowledgment that that other has a claim under laws whose authority we recognize, because they spring from our own will, then Kant was wrong to think that it follows that these duties are not owed to the other animals. For the act of taking ourselves to be valuable that brings the moral world, the Kingdom of Ends, into existence, and our acknowledgment of the claims of the other animals, are both responses to the same thing. They are responses to the predicament of being a being for whom things can be naturally good or bad.

As animals, we are beings for whom things can be good or bad: that is just a natural fact. When we demand to be treated as ends in ourselves, we confer normative significance on that fact. We legislate that the things that are good or bad for beings for whom things can be good or bad—that is, for animals—should be treated as good or bad objectively and normatively. In other words, we legislate that animals are to be treated as ends in themselves. And that is why we have duties to the other animals.

JUSTICE SHOULD BE EXPANDED BEYOND HUMANS

Schlosberg, David (2007). *Defining environmental justice*. Oxford: Oxford University Press. 119

Baxter makes two central claims in this argument to extend justice to some nonhuman nature, both based on the premise that nonhuman nature has interests. First, 'all non humans, sentient and non-sentient, are members of the community of justice,' and second, 'all members of the community of justice are proper recipients of distributive justice with respect to environmental goods and bads—that is, to ecological justice' (Baxter 2005: 9). He goes on to argue that once we accept that 'the interests and needs of nonhuman nature should be represented in the formulation of the basic structure of impartial justice...then their extermination, including that produced indirectly by habitat destruction, will prima facie have to be regarded as unjust' (p. 114). It is important to note a crucial addition Baxter makes to the ecological justice discourse. Baxter extends the community of justice to what he calls 'merely living' species, or those nonsentient and 'too lacking in individuality for it to make much sense to attribute the rights to individuals of the species' (Baxter 2005: 127). In these species, as no individual member possesses ambitions or interests that differentiate it from other members, there can be no moral differentiation between those individuals. This does not mean that the individuals in this species are totally devoid of moral standing. Baxter suggests we admit not just individuals and species to the community of justice, but 'viable populations' (p. 128) of species as well. Ecological justice, he insists, defends the claim that viable populations of merely living organisms have a right to environmental resources necessary for those populations to exist and survive (p. 131). Again, this is an expansion of the community of justice, not only to sentient animals, but to groups and populations.

ANIMALS ACT JUSTLY

Bekoff, Marc and Jessica Pierce (2009). *Wild Justice*. Chicago: Chicago University Press. 130-131

Of the three clusters, justice is the one most likely to raise eyebrows. It sounds funny to say that animals can behave justly. This is primarily a reaction to the way justice has been framed in our cultural discussion. It is generally spoken of as a set of abstract principles about who deserves what. And animals, as far as we know, don't think in abstractions.

But as we suggested in the first chapter, morality—including justice—is really not about abstractions, at least not primarily. Robert Solomon writes, in *A Passion for Justice*, "Justice presumes a personal concern for others. It is first of all a sense, not a rational or social construction, and I want to argue that this sense is, in an important sense, natural." Solomon's point is reflected in our everyday use of language: we often use the phrase "sense of justice." This suggests that justice, like empathy, is a sentiment or a feeling, and not only or even primarily an abstract set of principles.

Paul Shapiro makes a similar point in his essay "Moral Agency in Other Animals." He writes,

"Being able to care about the interests of others is central to what matters in morality, and arguably more important than abstract principles regarding proper conduct." Caring about the interests of others, and comparing these interests to your own, is the essence of justice.

ANIMALS ENGAGE IN INEQUITY AVERSION

Bekoff, Marc and Jessica Pierce (2009). *Wild Justice*. Chicago: Chicago University Press. 126-127

An additional area of research sheds light on animals' sense of fairness and equity. Several primate studies have focused attention on "inequity aversion," a negative reaction arising when expectations about the fair distribution of rewards have been violated. There are thought to be two basic forms of inequity aversion: the first is an aversion to seeing another individual receive more than you do; the second is an aversion to receiving more yourself than another individual receives. Only the first type of inequity aversion—the "That's not fair, she got more than I did" variety—has been explored in animals.

Sarah Brosnan and Frans de Waal tested five female captive capuchin monkeys for inequity aversion. Capuchin monkeys are a highly social and cooperative species in which food sharing is common; the monkeys carefully monitor equity and fair treatment among peers. Social monitoring for equity is especially evident among females. Brosnan and de Waal note, "Females pay closer attention than males to the value of exchanged goods and services."

Brosnan first trained a group of capuchins to use small pieces of rock as tokens of exchange for food. Pairs of females were then asked to barter for treats. One monkey was asked to swap a piece of granite for a grape. A second monkey, who had just witnessed the rock-for-grape trade, was asked to swap a rock for a piece of cucumber, a much less desirable treat. The short-changed monkey would refuse to cooperate with the researchers and wouldn't eat the cucumber and often threw it back at the human. In a nutshell, the capuchins expected to be treated fairly. They seemed to measure and compare rewards in relation to those around them. A single monkey who traded a rock for a cucumber would be delighted with the outcome. It was only when others seemed to get something better that the cucumber suddenly became undesirable.

ANIMALS CAN MAKE EVALUATIVE JUDGMENTS

Bekoff, Marc and Jessica Pierce (2009). *Wild Justice*. Chicago: Chicago University Press. 114-115

We agree with the general conclusions of Hamlin's study and offer that even in the absence of symbolic language, animals are able to make these sorts of social evaluations and that these assessments are foundational for moral behavior in animals other than humans. Indeed, recent research by Francys Subiaul of the George Washington University and his colleagues showed that captive chimpanzees are able to make judgments about the reputation of unfamiliar humans by observing their behavior—were they generous or stingy in giving food to other humans? The ability to make character judgments—generous or stingy—is just what we would expect to find in a species in which fairness and cooperation are important in interactions among group members.

The principle of parsimony suggests the following hypothesis: a sense of justice is a continuous and evolved trait. And, as such, it has roots or correlates in closely related species or in species with similar patterns of social organization. It is likely, of course, that a sense of justice is going to be species-specific and may vary depending on the unique and defining social characteristics of a given group of animals; evolutionary continuity does not equate to sameness.

A2: NUSSBAUM'S EMPATHY ARG

Hilden, Julie (2007). "A Contractarian View of Animal Rights: Insuring Against The Possibility Of Being a Non-Human Animal" *Animal Law Review* 14.5,
http://www.juliehilden.com/animal_rights.html

The kind of empathic gulf Nussbaum experiences when thinking about non-human animals is a prime reason for considering the stances of such non-human animals when choosing society's rules. By comparison, part of the reason John Hart Ely argued for special protections for discrete and insular minorities was not just that they have lesser access to the political process, but also that society tends to lack empathy toward them due to prejudice, or simply due to the lack of accurate knowledge that arises from discreteness and insularity.⁵⁸ If we find alien those on the "other side of the tracks" or in the "gay neighborhood" or the "black neighborhood" in our own towns, how much more alien will we find those who make their homes in our forests and mountains, whom we rarely see and may have been taught to fear? Can we ever expect to give justice to wolves, if we refuse to even include the possibility of our imagining being them—or empathizing with them, which is much the same thing—in the context in which we frame our rules of justice? In gaining ethical and legal protection, surely a seat at the table—which is what consideration behind the veil of ignorance amounts to—is far more effective than mere paternalism. Yet, in the end, paternalism is all that Rawls and Nussbaum—who explicitly offer this alternative as a sort of consolation prize for non-human animals—can offer.⁵⁹

A2: NUSSBAUM'S EMPATHY ARG

Hilden, Julie (2007). "A Contractarian View of Animal Rights: Insuring Against The Possibility Of Being a Non-Human Animal" *Animal Law Review* 14.5,
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Nussbaum claims simply, and in a conclusory fashion, that "the whole idea of a contract involving both humans and nonhuman animals is fantastic, suggesting no clear scenario that would assist our thinking."⁵⁴ Nussbaum does not see this idea as presenting a "coherent fiction that can help us think well."⁵⁵ But this is merely a failure of imagination. A young child can imagine what it would be like to be a non-human animal, and fantasy and science fiction writers do it all the time. Moreover, contemporary research on non-human animals' capacities and natures, which Nussbaum herself notes is relevant, can enhance the accuracy of that imagination by educating humans about how non-human animals experience their lives.

However, even if a gulf remains, does it matter? Empathic gulfs and failures exist between humans too, and do not stop those behind the veil of ignorance from being asked to imagine themselves in any human state. It is immensely difficult to accurately imagine what it is like to be schizophrenic or psychotic—perhaps more so than to imagine oneself a gorilla, for instance. Moreover, that amount of imagination may not actually be required. Mark Rowlands makes the interesting point that, in this context, it ought to be sufficient to "imagine" that one is a non-human animal, in the sense of taking this point as an assumption for further analysis—not to actually imagine "what it is like" to be such a non-human animal.⁵⁶ After all, he adds, men need not fully imagine themselves post-sex-change, in every respect, to imagine that they have the vantage point of women.⁵⁷

THE VEIL OF IGNORANCE SHOULD APPLY TO ANIMALS

Hilden, Julie (2007). "A Contractarian View of Animal Rights: Insuring Against The Possibility Of Being a Non-Human Animal" *Animal Law Review* 14.5,
http://www.juliehilden.com/animal_rights.html

It is not just Rawls's idea of insuring against contingency in the original position that counsels the inclusion, behind the veil of ignorance, of consideration of the contingency that one may be a non-human animal in real-world society. It is also Rawls's fundamental emphasis on moral desert: Our fate, he holds, should ideally not be determined by factors outside our own control. Thus, in addition to Rawls's core concept of "justice as fairness," another aspect of his theory also counsels the inclusion of non-human animals.

Rawls emphasizes that in an ethical society, "[t]hose who have been favored by nature, whoever they are ... are not to gain merely because they are more gifted ... No one deserves his greater natural capacity nor merits a more favorable starting place in society."²⁵ But just as some humans are "favored by nature" with exceptional capacities, humans as a species are generally "favored by nature" with greater capacities than non-human animals. Following Rawls's own logic, this lucky accident does not entitle humans to a "more favorable starting place" in society than non-human animals. To the contrary, according to Rawls, the favors nature differentially bestows are the very traits to be abstracted away behind the "veil of ignorance."²⁶ In Rawls's view, it is the antithesis of justice to be treated differently because of a quality that is neither rationally relevant, nor of one's own choice.²⁷ Rawls is even more succinct when he says simply, "no one deserves his place in the distribution of native endowments."²⁸ But does a human "deserve" to be able to speak or use tools, such that moral superiority flows from such "desert"? Does a non-human animal, in contrast, "deserve" to lack these abilities?

Species is not a relevant difference; we do not choose it and cannot control it. The species line—the division biologists recognize between one species and another—is based not on moral desert, but on the simple evolutionary fact of who can reproduce with whom and produce fertile offspring. It is thus a terrible line to use as any kind of proxy for moral desert. It is as absurd as saying, for instance, that infertile humans deserve fewer rights than fertile humans do.

IF ANIMALS WERE INCLUDED BEHIND THE VEIL, JUSTICE WOULD REQUIRE THE RECOGNITION OF ANIMAL RIGHTS

Hilden, Julie (2007). "A Contractarian View of Animal Rights: Insuring Against The Possibility Of Being a Non-Human Animal" *Animal Law Review* 14.5,
http://www.juliehilden.com/animal_rights.html

Rawls concludes that someone behind the veil of ignorance would favor a social safety net of sorts, in which any inequality, to be just, must raise the general societal "floor."⁶⁵ This, once again, is the "difference principle," which prescribes the allowance of "[s]ocial and economic inequalities ... only if they work as part of a scheme which improves the expectations of the least advantaged members of society."⁶⁶ Presumably, this principle would still apply if, behind the veil of ignorance, it was necessary to insure not only against being a human of modest or limited capabilities, but also to insure against being a nonhuman animal. By this measure, current laws regarding non-human animals that deem them to be items of property, not persons, would *never* be chosen by those who might chance to be non-human animals themselves. For humans, slavery would plainly be rejected, Rawls argues, in the original position (unless, in certain bizarre and rarefied circumstances, the alternative were to be even more unjust).⁶⁷ Surely, the slavery of non-human animals would be ruled out too, if those deciding the rules actually risked *being* such non-human animals themselves. Having a two-tier society where some are persons, and some are not, is a cardinal violation of the "difference principle." This caste society damages the lowest caste tremendously, with no accompanying benefit to its members that could ever overcome that damage. Thus, non-human animals' status as property would surely be abolished, if the contingency that one might be such a non-human animal were to be considered behind the veil of ignorance.

A2: FAIRNESS ARGUMENTS

Cavaleri, Paolo (2001). *The Animal Question: Why Nonhuman Animals Deserve Human Rights*. Oxford: Oxford University Press. p. 84-85

In what sense, then, is being an impaired human individual fortuitous, while being a nonhuman individual is not? The argument seems to equivocate between two senses of "fortuitous." On the one hand, there is, so to speak, the statistical meaning, with respect to which the thesis has some plausibility: for if certain mental capacities are normal for our species, then doubtless to lack them is for a human at least more "fortuitous" than it is for a nonhuman belonging to a species for which these capacities are not the norm.³⁰ But if so interpreted, fortuitousness lacks ethical relevance, as is shown for example by the fact that we do not think we should treat a wounded civilian differently from a wounded soldier just because the former was less likely to be hit. On the other hand, there is the overtly moral sense of fortuitousness having to do with the contingency of a faultless vulnerability. Here, the idea that the appeal to fortuitousness holds only in the case of humans, far from being evident, requires a justification.³¹ The argument from fairness, however, provides no independent reason for this judgment. Its conclusion is simply reached by taking for granted that the appeal to moral fortuitousness works in the case of intraspecies differences but not in the case of inter-species differences. But this is question-begging. An argument that was developed to offer a relational defense of the moral relevance of species membership cannot without circularity implicitly appeal to species membership in one of its premises. As a consequence of this, the conclusion obviously does not follow.

With the collapse of what promised to be the best founded among the attempts to avoid the implications of the argument from marginal cases, it seems plausible to conclude that the idea that membership in the human species may be the criterion for first-class moral status does not withstand critical examination. With this, the way is finally open to reconsider in an impartial way—that is, irrespective of any group membership, be it a matter of race, sex, or species—the problem of the possible internal structure of the moral community.

A2: CARRUTHERS

Cavaleri, Paolo (2001). *The Animal Question: Why Nonhuman Animals Deserve Human Rights*. Oxford: Oxford University Press. p. 82-83

The connection between Carruthers's thesis and the contractarian context in which it is inserted, however, does not go beyond this particular substantive aspect. From the formal point of view, the argument from the risk for right-holders is nothing but a specific version of the more general, and autonomous, slippery slope argument, according to which we should not take steps that, by their very nature, might lead to further steps at the end of which there is something we definitely want to avoid. Employed in the most various contexts, the slippery slope argument suffers from a serious structural weakness: it is based on an empirical assumption. The fact that certain steps might imply others has not the cogency of a logical derivation but must be experimentally proven each time it is used. Carruthers's argument too, therefore, is open to the classic challenge made to all arguments of this kind, which lies in questioning their actual applicability to the cases under discussion. And, as has often been emphasized, it is not always the case that when dealing with questions of moral status rational agents cannot draw sharp lines that can prevent the slope from becoming slippery.²⁵ Quite often, what happens is just the contrary: think of the clear distinction between rational agents that in slave societies made it possible to deny rights to slaves while maintaining them without any risks for their "masters." If this is so, Carruthers does not succeed in showing that the self-interest of rational agents should lead to a different treatment for humans and nonhumans at the same mental level.

A2: SCANLON'S TYPE ARGUMENT

Cavaleri, Paolo (2001). *The Animal Question: Why Nonhuman Animals Deserve Human Rights*. Oxford: Oxford University Press. p. 74

If, in such a context, we want to retain the reference to the biological characteristic, we should treat them according to their group membership. Thomas Scanlon, for example, stated along these lines that it seems that moral status depends not on a particular being's actual capacities but on the capacities that are typical of its kind.⁹ To show how implausible this argument is, it may be useful to refer to a thought experiment suggested by Michael Tooley.¹⁰ Imagine that we grant the right to life on the basis of the possession of rationality, and let John and Mary be two individuals who are not rational beings, and who belong to two different biological groups, but who are indistinguishable with respect to their psychological capacities and their mental lives. John might belong to a group 99 percent of which are rational beings, while Mary might belong to a group of which only 1 percent are rational beings. If we adopt Scanlon's view, it will be wrong to kill John but it will be right to kill Mary. It is also possible to make a less dramatic but more concrete example. Suppose that we discovered that women in general are less gifted than men for particular jobs. Even if this were the case, there would certainly be women more gifted than the average, or at least more gifted than some men. Surely we would not accept in such a case that men endowed with lesser capacities were given preference over these women for jobs requiring the level of capacities they actually have, on the grounds that women and men should be treated according not to their actual characteristics, but to what is typical of their "kind." The blatant irrationality of the view that individuals should be treated not on the basis of their qualities but on the basis of other beings' qualities undermines any plausibility the correspondence approach might have seemed to have.

SPECIES MEMBERSHIP IS MORALLY IRRELEVANT

Cavaleri, Paolo (2001). *The Animal Question: Why Nonhuman Animals Deserve Human Rights*. Oxford: Oxford University Press. p. 72-73

Nonetheless, it is just the notion of relevancy that may indicate another path. It is a point we have already met with, albeit in a different form. In criticizing the notion of ontological status, we pointed out that ethics is an autonomous theoretical inquiry, which not only can be tackled by rational methods but is also endowed with its own standards of justification and criticism. But if ethical questions must be determined through the application of standards internal to the discipline itself, then it seems correct to maintain that criteria imported from other domains cannot be morally relevant in themselves.

This obviously holds for science as well. Race and sex are biological classifications. They have to do with skin color or eye shape, with reproductive role or genital structure, or with muscular mass or distribution of hair of the body rather than with the capacity for being harmed or benefited, with interests, desires, virtues or welfare. This determines a priori that they can play no direct role in ethics. In other words, their introduction in the context of moral argument, far from offering a justification, stands in need of justification.

It is interesting to note that a view of this kind, though only partially articulated, can be found in common sense. Our great fascination with the idea that there may exist in the universe other intelligent beings with which we could communicate (think of the success of the science fiction character ET) shows that what we regard as important is not having a certain biological pedigree but rather possessing psychological characteristics similar to our own—characteristics that lie at the source of all that matters in our lives.

In the face of all this, it is clear that, failing to meet the prerequisite of moral relevance, the appeal to race or sex membership is unacceptable as a comparative criterion of moral status. The appeal to species membership is therefore equally unacceptable.

KANT'S VIEW REQUIRES DIRECT DUTY TO ANIMALS

Cavaleri, Paolo (2001). *The Animal Question: Why Nonhuman Animals Deserve Human Rights*. Oxford: Oxford University Press. 49-50

The situation is different when it comes to unacquired duties, which hold irrespective of any interactions or even institutional arrangements. If ever there is an unacquired duty, it is certainly the duty not to be cruel. And this is a further source of puzzlement. At first sight, the notion of cruelty appears to be closely connected to the harm suffered by the object of the treatment. As a consequence, it seems that it is not logically possible to speak of cruelty in relation to a being that is not already the object of direct duties. It could be a second-class moral patient, but it has to be a moral patient—there are no injunctions against cruelty toward stones. This is confirmed by the fact that Kant, while locating nonhumans and stones in the same category, that of things, does not urge us not to maltreat stones lest this might damage our humanity toward “mankind.” Hence, there are two alternatives: either “animal nature has analogies to human nature” in a morally relevant sense, and the risk of passing from cruelty toward nonhumans to cruelty toward humans arises from the fact that in the former case as well we violate direct duties, although perhaps less stringent; or nonhumans, as mere means, have no moral weight, and then there is no ground—in their case as in the case of stones—for the fear that a certain kind of behavior could rebound upon the behavior toward the only beings that matter morally, namely, the ends in themselves. All the more so: as it has been remarked, Kant is not even theoretically capable of distinguishing between permissible and impermissible treatment of beings that are not ends in themselves, because “we are certainly acting rationally in treating as a means what has value merely as a means.”²⁷

A2: CARRUTHERS

Cavaleri, Paolo (2001). *The Animal Question: Why Nonhuman Animals Deserve Human Rights*. Oxford: Oxford University Press. p. 46

Put forward in slightly different versions as well, such a view has been criticized by, among others, John Searle. After claiming that it is a mistake to see mental phenomena such as beliefs as dependent on language, Searle remarks that “true” and “false,” while being indeed metalinguistic predicates, are more fundamentally metaintentional predicates, used to assess success and failure of representations to achieve fit in the mind-to-world direction of fit. As a consequence, for neither beliefs nor desires does the animal require a language; rather what she requires is some device for recognizing whether the world is the way it seemed to be (belief) and whether the world is the way the animal wants it to be (desire).¹⁶

Searle makes this point clear by way of an example. Why is the dog barking up the tree? Because he believes that the cat is up the tree, and he wants to catch up to her. Why does he believe the cat is up the tree? Because he saw her run up the tree. Why does he now stop barking up the tree and start running toward the neighbors' yard? Because he no longer believes that the cat is up the tree, but in the neighbors' yard. And why did he correct his belief? Because he just saw—and no doubt smelled—the cat run there; and seeing and smelling is believing. The general point, Searle argues, is that animals correct their beliefs all the time on the basis of their perceptions. In order to make these corrections, they have to be able to distinguish the state of affairs in which their beliefs are satisfied from the one in which they are not satisfied. And what goes for beliefs goes for desires as well.¹⁷

The conclusion that nonhumans not only, contra Carruthers, are conscious but also, contra Frey, have beliefs and desires is of course in line with folk psychology, that habitually and confidently employs mentalistic language with respect to them. Those who have observed free-living animals, and even more so those who live with animals, wouldn't in the least doubt the resemblance between their minds and ours.

A2: CARRUTHERS

Cavaleri, Paolo (2001). *The Animal Question: Why Nonhuman Animals Deserve Human Rights*. Oxford: Oxford University Press. 45-46

After Darwin, it might seem unlikely that there could be a theoretical restatement of an essentialist dualism such as that of Descartes. Such a revival, however, did in fact occur in recent years. Not haphazardly defined as the “neo-Cartesian” revival, this approach brings the animal-machine back on the scene (although no longer with God playing the watchmaker), maintaining, once again in radical contrast with common sense, that the experiences of nonhumans, suffering included, cannot be proper objects of moral consideration because, unlike humans, nonhumans lack any form of self-awareness. For example, Peter Carruthers, author of the best-known formulation of this view, states that animals are not conscious because a conscious mental state, as opposed to a nonconscious one, is a mental state available to conscious thought—where a conscious thought is an event that is available to be consciously thought about in turn.¹²

Underscoring both the manifest circularity of such a definition of conscious thought and the disputability of the assumption that nonhuman animals are devoid of thought, many authors have called into question the essential premises of Carruthers's view. But even if one sets aside these problems, there still is obviously the question of how an approach based on abrupt fractures between phylogenetically contiguous beings can be reconciled with evolutionary theory. To some degree aware of this difficulty, Carruthers endeavors to put forward a hypothesis. He claims, namely, that it was just the adaptive value connected to the ability to predict and explain, and thus to manipulate and direct, the behavior of others that gave rise in humans, and only humans, to the capacity for second-order thoughts (or thoughts about thoughts).¹³ This answer, however, does nothing but reintroduce in other terms the difficulties it aims at solving. It is in fact difficult to imagine how wholly unconscious beings might suddenly evolve such capacities, abruptly starting to think and reason about the beliefs, desires, intentions, and experiences of others.¹⁴ Given the burden of proof that a view having so little compatibility with a fundamental aspect of our web of beliefs must meet, Carruthers, like Descartes, appears to be quite far from providing a satisfactory justification of his position.

AN ANIMAL CAN SUFFER; THUS THEY DESERVE MORAL ATTENTION

Singer, Peter (1989). "All animals are equal." *Animal Rights and Human Obligations*. New Jersey: Princeton University Press. <http://www.animal-rights-library.com/texts-m/singer02.htm>

In this passage Bentham points to the capacity for suffering as the vital characteristic that gives a being the right to equal consideration. The capacity for suffering—or more strictly, for suffering and/or enjoyment or happiness—is not just another characteristic like the capacity for language, or for higher mathematics. Bentham is not saying that those who try to mark "the insuperable line" that determines whether the interests of a being should be considered happen to have selected the wrong characteristic. The capacity for suffering and enjoying things is a prerequisite for having interests at all, a condition that must be satisfied before we can speak of interests in any meaningful way. It would be nonsense to say that it was not in the interests of a stone to be kicked along the road by a schoolboy. A stone does not have interests because it cannot suffer. Nothing that we can do to it could possibly make any difference to its welfare. A mouse, on the other hand, does have an interest in not being tormented, because it will suffer if it is.

If a being suffers, there can be no moral justification for refusing to take that suffering into consideration. No matter what the nature of the being, the principle of equality requires that its suffering be counted equally with the like suffering—in so far as rough comparisons can be made—of any other being. If a being is not capable of suffering, or of experiencing enjoyment or happiness, there is nothing to be taken into account. This is why the limit of sentience (using the term as a convenient, if not strictly accurate, shorthand for the capacity to suffer or experience enjoyment or happiness) is the only defensible boundary of concern for the interests of others. To mark this boundary by some characteristic like intelligence or rationality would be to mark it in an arbitrary way. Why not choose some other characteristic, like skin color?

THOUGHT EXPERIMENTS DISPROVE THAT MEMBERSHIP IS A SPECIES IS SUFFICIENT/NECESSARY FOR MORAL COMMUNITY

Jamieson, Dale (2008). *Ethics and the environment*. Cambridge: Cambridge University Press. 107-108

In my opinion, a series of thought-experiments counts decisively against the view that membership in a favored species is alone necessary and sufficient for membership in the moral community.

Imagine that the space program gets going again, and we succeed in visiting the outer reaches of the galaxy. On one planet (call it "Trafalmore" in homage to the writer, Kurt Vonnegut), we encounter a highly sensitive and intelligent form of life. By any normal standards, Trafalmoreans are superior to us in every way. They are more intelligent, knowledgeable, compassionate, sensitive, and so forth. However, they suffer from one "defect": evolution has followed its own course on Trafalmore, and they are not members of our species. Would we think that we were therefore justified in gratuitously destroying their civilization (which is in every way superior to ours) and causing them great suffering (more intense than we can imagine), simply because they are not human?

Consider another example closer to home. As a matter of fact, anthropologists have recently claimed to have discovered a hominid species that lived as recently as 18,000 years ago on the Indonesian island of Flores.¹⁷ Like *Homo sapiens* of the same period, *Homo floresiensis* used tools and fire for cooking. Although they were quite small compared to *Homo sapiens* (they stood a little over 3 feet [1 metre] tall and have been nicknamed "hobbits"), the brain region which is associated with self-awareness is about the same size in *Homo floresiensis* as in modern humans.¹⁸ Suppose that a remnant population of *Homo floresiensis* were discovered today, living on this large, rugged island. (There are anecdotal reports of *Homo floresiensis* surviving into the nineteenth century.) What would be the appropriate attitude for us to take towards them? Should we regard this as another rare hunting opportunity for Texas oil millionaires and Arab sheiks, or should we regard them as creatures to whom we owe moral respect?

Even closer to home, suppose that some remnant Neanderthals (*Homo neanderthalensis*) survived in remote regions of the world, slowly assimilating themselves to human culture and society. Despite the fact that they mingle with humans, they remain a reproductively isolated, distinct species.¹⁹ They can recognize each other (perhaps by a secret handshake), but we cannot normally distinguish them from ourselves. Now suppose that somehow you discover that your roommate or the person whom you are dating is a member of this species. Do their moral claims on you suddenly vanish? Instead of taking your date to the movies, can you now take her to the local medical school to be used for vivisection?

I take it that most of us will agree in our answers to these questions. Trafalmoreans, *Homo floresiensis*, and Neanderthals, as I have described them, all matter morally. The fact that they are not human is not sufficient for excluding them from moral protection.

A2: SCANLON

McMahan, Jeff (2002). *The Ethics of Killing: Problems at the Margins of Life*. Oxford: Oxford University Press. p.217

But even Scanlon's view is vulnerable to a related objection based on a case I also introduced in criticizing the Species Norm Account. Suppose that, as a result of reduced numbers and selective breeding, Superchimps come to outnumber what were previously considered normal chimpanzees. In that case, the norm for the species would have changed: its normal members would now be capable of judgment-sensitive attitudes in the same way that ten-year-old human children are. According to Scanlon's view, our treatment of the less intelligent animals would have to be governed by "principles that they could not reasonably reject," in the same way that our treatment of severely retarded human beings is supposed to be. This seems implausible.

A2: FINNIS AND SCANLON

McMahan, Jeff (2002). *The Ethics of Killing: Problems at the Margins of Life*. Oxford: Oxford University Press, p. 216

Even if that is true, there is no reason to suppose that its species membership determines its moral status. For the properties—whatever they may be—that are necessary and sufficient for membership in the species, and are thus the properties that define the individual's essential nature, are *not* the properties that are deemed to be *morally* significant. For Finnis, for example, what is ultimately morally significant is the possession of a rational nature, whereas for Scanlon it is the capacity for judgment-sensitive attitudes. In both cases, there seems to be no reason why the moral status that comes from having the morally significant properties should also be awarded in some honorary sense to those who do not and never will possess those properties simply on the ground that they possess the *different* properties that make them members of a certain species.

The problems with views of this sort emerge more clearly when we consider such cases as the Superchimp. Even though the Superchimp has a rational nature, he remains a chimpanzee, and thus does not belong to a kind that is characterized by having a rational nature. By Finnis's definition, therefore, the Superchimp is not a person, and presumably also lacks the moral status that persons have by virtue of belonging to a kind characterized by the possession of a rational nature. This seems absurd. Scanlon's view seems more plausible because it is stated in such a way that kind-membership is only a sufficient condition of a certain moral status, not a necessary condition. Because the Superchimp is himself capable of judgment-sensitive attitudes, Scanlon can recognize him as a being who can be wronged even though he is not of a kind normally capable of these attitudes.

THE DEBATE OVER ANIMAL RIGHTS IS A DEBATE OVER HAVING SUFFICIENT ENOUGH REASON TO CAUSE PAIN

Otteson, James (2006). *Actual Ethics*. Cambridge: Cambridge University Press. p.295

So framing a discussion of how people should treat animals in terms of whether animals have natural rights or not leads inevitably to some solemnly averring that animals do have them and others equally solemnly averring that they do not—and ne'er the twain shall meet.²⁰ If progress is to be hoped for, however, what is crucial is to begin with common ground. All reasonable parties to the discussion agree that needless suffering is bad, and they all agree that inflicting needless suffering is also bad. Let me repeat: nobody—well, with the possible exception of boys exploring the creeks, fields, and woods behind their houses—nobody, I say, believes that animals should be tortured or otherwise caused to feel pain for no good reason. So the debate actually pivots on what counts as a “good reason” or “sufficient reason” to cause pain. The mere “pleasure of seeing it” would not seem to count—not because nothing is gained from this pleasure (the pleasure itself presumably is), but because it won't outweigh the pain caused.

ANIMALS ARE ETHICAL; RATIONALITY IS UNNECESSARY

Damasio, Antonio. "Neuroscience and Ethics: Intersections," *The American Journal of Bioethics* 7.1 (Jan. 2007), 3 -7

It is well known that the primary human emotions have remarkable precursors in the non-human species but it has not been recognized until recently that this finding applies to the social emotions as well. In fact, social emotions are not confined to humans and appear in rudimentary form in many non-human species. For example, capuchin monkeys appear to have a budding sense of justice relative to the quantities of reward received for the same effort (Brosnan and De Waal 2003). Elements of compassion, such as consolation and targeted help, are also exhibited by great apes (De Waal 2005). In general, the behavior of non-human species in their natural habitat reveals abundant examples of reciprocal social behaviors, involving punishment or reward of the actions of others (Hauser 2000). In the absence of language, history or formal pedagogy, it appears that the behaviors observed in these species provide them with a simple mode of coping with a variety of social situations for which humans have developed, using knowledge and reason, a complex collection of conventions and rules. By pointing out that even the social emotions have non-human precursors, I am not suggesting that human social emotions emerge and adopt their mature form spontaneously. A variety of factors in individual development, including quite importantly the sociocultural environment, play a major role in shaping these emotions.

JUSTICE IS NOT A HUMAN INVENTION; ALL SPECIES HAVE JUSTICE

Singer, Peter. "Ethics and Intuitions," *The Journal of Ethics* 9.3-4 (Oct. 2005), 336

But justice is not, at least not in its origins, a human invention. We can find forms of it in our closer nonhuman relatives. A monkey will present its back to another monkey, who will pick out parasites; after a time the roles will be reversed. A monkey that fails to return the favor is likely to be attacked, or scorned in the future. Such reciprocity will pay off, in evolutionary terms, as long as the costs of helping are less than the benefits of being helped and as long as animals will not gain in the long run by "cheating" – that is to say, by receiving favors without returning them. It would seem that the best way to ensure that those who cheat do not prosper is for animals to be able to recognize cheats and refuse them the benefits of cooperation the next time around. This is only possible among intelligent animals living in small, stable groups over a long period of time. Evidence supports this conclusion: reciprocal behavior has been observed in birds and mammals, the clearest cases occurring among wolves, wild dogs, dolphins, monkeys, and apes. Many features of human morality could have grown out of simple reciprocal practices such as the mutual removal of parasites from awkward places. Suppose I want to have the lice in my hair picked out and I am willing in return to remove lice from someone else's hair. I must, however, choose my partner carefully. If I help everyone indiscriminately, I will find myself delousing others without getting my own lice removed. To avoid this, I must learn to distinguish between those who return favors and those who do not. In making this distinction, I am separating reciprocators and nonreciprocators and, in the process, developing crude notions of fairness and of cheating. I will strengthen my links with those who reciprocate, and bonds of friendship and loyalty, with a consequent sense of obligation to assist, will result. This is not all. As we see with monkeys, reciprocators are likely to react in a hostile and angry way to those who do not reciprocate. More sophisticated reciprocators, able to think and use language, may regard reciprocity as good and "right" and cheating as bad and "wrong." From here it is a small step to concluding that the worst of the nonreciprocators should be driven out of society or else punished in some way, so that they will not take advantage of others again. Thus a system of punishment and a notion of desert constitute the other side of reciprocal altruism.

A2: SCRUTON'S "UNTIMELY DEATH" ARGUMENT

Singer, Peter (2009). "Speciesism and moral status." *Metaphilosophy* 40.3-4, 567-581.

One of the reasons Scruton thinks that "untimely death" is a tragedy for a human being is that if a human being is killed before his or her time there are likely to be achievements that this human being may have accomplished which he or she will not accomplish. So, if you like, there is a failure to carry out plans that had been made, and to achieve what the person wanted to achieve. Cattle, on Scruton's view, have no plans for the future, and no accomplishments that they would have achieved, had they been able to live long longer. We could debate this factual claim, but I accept the normative view that there is greater significance in killing a being who has plans for the future—who wishes to accomplish things—than there is in killing a being who is incapable of thinking about the future at all but exists either moment to moment or within a very short- time horizon (for example, a time horizon limited to thinking about eating something in the near future). It is, other things being equal, much less a tragedy to kill that sort of being than to kill someone who wants to live long enough to do the sorts of things that humans typically want to achieve over the course of their lives. But, of course, if this reason is invoked to justify killing well-treated animals for food, then this has implications for the question of whether one can justify ending the life of a profoundly cognitively disabled human being. One could, after all, rewrite Scruton's statement as follows: "There is a real distinction, for a cognitively normal human being, between timely and untimely death. To be 'cut short' before one's time is a waste—even a tragedy. . . . No such thoughts apply to a being unable to make plans for the future. For such a being, to be killed at an early age is not intrinsically more tragic than to die in old age." Of course, this challenges a widely accepted human ethic. So if you thought that Scruton provided you with a sound justification for continuing to enjoy steak for dinner (as long as you get humanely raised, grass-bred beef), you need to think whether you are prepared to accept the argument in a nonspeciesist way and apply it to all beings who are unable to make plans for the future.

A2: SOCIAL CONTRACT

Singer, Peter (2009). "Speciesism and moral status." *Metaphilosophy* 40.3-4, 567-581.

Those who see morality as a social contract are also likely to link moral status to higher cognitive capacities. According to this view, the core of morality is that I agree not to harm you, in return for your agreement not to harm me.⁹ Some cognitive abilities are required to be capable of forming and adhering to an agreement of this kind. If you are profoundly mentally retarded, you may not have those abilities. You certainly are not likely to have them to an extent that is superior to that of some nonhuman animals, who have been shown to be capable of reciprocity. As with the Kantian argument, therefore, a contractarian account of morality is unable to justify granting all humans a moral status superior to that of any nonhuman animal, though it may justify granting some humans a moral status superior to that of some humans and of any nonhuman animal.

A2: SUPERIOR COGNITIVE ABILITY ARGUMENTS

Singer, Peter (2009). "Speciesism and moral status." *Metaphilosophy* 40.3-4, 567-581.

Some have attempted to justify superior moral status for humans on the basis that humans have superior cognitive abilities. Many people refer to Immanuel Kant's moral philosophy as providing justification for the claims that human beings are ends in themselves, and that humans have both worth and dignity, while animals do not. In Kant's view, "Animals are not self-conscious and are there merely as a means to an end. That end is man."⁸ Kant's argument for why human beings are ends-in-themselves is that they are autonomous beings, which, in terms of Kantian philosophy, means that they are capable of reasoning. Note that Kant goes from defending the value of autonomy or self-consciousness to maintaining that "man" is the end. If we really take his argument seriously it means that human beings who are not self-conscious—because perhaps they are so profoundly mentally retarded that they lack self-consciousness or self-awareness—are also merely means to an end, that end being autonomous or self-conscious beings. So the Kantian approach is not going to help those whose objective is to demonstrate that all human beings have superior status to nonhuman animals.

A2: INTRINSIC WORTH ARGUMENTS

Singer, Peter (2009). "Speciesism and moral status." *Metaphilosophy* 40.3-4, 567-581.

There is another claim that one often hears: that humans and no others have intrinsic worth and dignity, and that is why humans have superior status. This is really just a piece of rhetoric unless it is given some support. What is it about human beings that gives them moral worth and dignity? If there is no good answer forthcoming, this talk of intrinsic worth and dignity is just speciesism in nicer terms. I do not see any argument in the claim that merely being a member of the species *Homo sapiens* gives you moral worth and dignity, whereas being a member of the species *Pan troglodytes* (chimpanzees) does not give you worth and dignity. Something more would need to be said.

A2: BIOLOGICAL COMMONALITY GIVES US A SUPERIOR STATUS

Singer, Peter (2009). "Speciesism and moral status." *Metaphilosophy* 40.3-4, 567-581.

We cannot claim that biological commonality entitles us to superior status over those who are not members of our species. In the case of applying this to people with severe and profound cognitive disabilities, there is also a problem about saying who the "we" are. What is really important about saying "us?" Is it that we are all capable of understanding language, and perhaps even rational argument? In that case, I am not addressing those who are profoundly mentally retarded. Or is it that I am addressing all those who are members of my species? I think it is much more important that the "we" of this statement are beings of at least a certain level of cognitive ability. So, if it happens that one of you is an alien who has cleverly disguised yourself in a human shape, but you are capable of understanding this argument, I am talking to you just as I am talking to members of my own species. In important respects, I have much more in common with you than I do with someone who is of my species but, because he or she is profoundly mentally retarded, has no capacity for verbal communication with me at all. In other words, if we take Williams's question "Whose side are you on?" to refer to being on the side of those who share our species membership (as he presumably intended it), it is a bad argument. If on the other hand we take it to refer to being on the side of those capable of sharing in discussions of right and wrong, it clearly does not support the claim that all humans are equal.

GREAT APES ARE REALLY SMART GUYS

Singer, Peter (2009). "Speciesism and moral status." *Metaphilosophy* 40.3-4, 567-581.

Great apes: Francine Patterson of the Gorilla Foundation claims that the gorilla Koko scored between 70 and 95 on human IQ tests and understands about a thousand signs. Though this finding is controversial, there is a substantial amount of uncontroversial research suggesting that many of the great apes, including gorillas, chimpanzees, bonobos, and orangutans, can use human sign language and can develop a fair range of comprehension.² At least, it is clear that they understand a number of signs, and they use a kind of structured syntax. The question of whether or not we should call this "language" is not my concern here. What is relevant for this discussion is comparisons with humans with cognitive disabilities; the point being that if we raise the standard for language to exclude the signs used by Koko, Kanzi, Washoe, Chantek, or some of the other signing apes, then we would have to say that some humans at profound and severe levels of cognitive disability don't have language either. We must keep a level playing field for comparisons between species—in this case between some humans with cognitive disabilities and great apes.

DIFFERENCES BETWEEN BEINGS DOES NOT LEAD TO THE CONCLUSION THAT THEY ARE NOT EQUAL.

"All animals are equal." TOM REGAN & PETER SINGER (eds.), *Animal Rights and Human Obligations*, New Jersey, 1989, pp. 148-162

The thought behind this reply to Taylor's analogy is correct up to a point, but it does not go far enough. Differences between humans and other animals, and these differences must give rise to some differences in the rights that each have. Recognizing this obvious fact, however, is no barrier to the case for extending the basic principle of equality to nonhuman animals. The differences that exist between men and women are equally undeniable, and the supporters of Women's Liberation are aware that these differences may give rise to different rights. Many feminists hold that women have the right to an abortion on request. It does not follow that since these same people are campaigning for equality between men and women they must support the right of men to have abortions too. Since a man cannot have an abortion, it is meaningless to talk of his right to have one. Since a pig can't vote, it is meaningless to talk of its right to vote. There is no reason why either Women's Liberation or Animal Liberation should get involved in such nonsense. The extension of the basic principle of equality from one group to another does not imply that we must treat both groups in exactly the same way, or grant exactly the same rights to both groups.

Whether we should do so will depend on the nature of the members of the two groups. The basic principle of equality, I shall argue, is equality of consideration; and equal consideration for different beings may lead to different treatment and different rights.

**PRESUME AFF IF YOU'RE NOT CERTAIN THAT THEY DON'T HAVE RIGHTS BECAUSE
THE MORAL COSTS OF BEING WRONG ARE GIGANTIC**

Kriegel, Uriah (forthcoming). "Animal Rights: A Non-consequentialist Approach" In K. Petrus& M. Wild (eds.), *Animal Minds and Animal Morals*.

Scientific knowledge, being a posteriori, is uncertain: the appropriate credence in a scientific proposition – including regarding the neural correlates of consciousness – is always less than 1.'This may inspire a protestation to the effect that even a low probability of consciousness in an animal should suffice to grant it animal rights, because the moral costs of error in this area are gigantic (see Singer 1975 for a similar consideration). 'This consideration can be cast as an objection to the inference fro a claim of the form 'animal A is probably unconscious' to a claim of the form ' animal A should not be granted rights.' According to the objector, as long as there is a non-negligible probability that an animal is conscious, we should grant it the right of conscious animals because doing so guarantees that we would not be unwittingly committing moral horrors.

**FACTORY FARMING IS THE FASTEST GROWING METHOD OF FOOD PRODUCTION
WORLDWIDE**

Danielle Nierenberg, "Factory Farming in the Developing World," *World Watch*, May/June 2003. n. pag. 9/1/2011. URL = <http://www.worldwatch.org/system/files/EP163A.pdf>

Global meat production has increased more than fivefold since 1950, and factory farming is the fastest growing method of animal production worldwide. Feedlots are responsible for 43 percent of the world's beef, and more than half of the world's pork and poultry are raised in factory farms. Industrialized countries dominate production, but developing countries are rapidly expanding and intensifying their production systems. According to the United Nations Food and Agriculture Organization (FAO), Asia (including the Philippines) has the fastest developing livestock sector. On the islands that make up the Philippines, 500 million chickens and 20 million hogs are slaughtered each year.

THE WORLD BANK RECOGNIZES THAT FACTORY FARMING IS A DANGER TO THE POOR, THE ENVIRONMENT, AND TO FOOD SECURITY

Danielle Nierenberg, "Factory Farming in the Developing World," *World Watch*, May/June 2003. n. pag. 9/1/2011. URL = <http://www.worldwatch.org/system/files/EP163A.pdf>

The triumph of factory farming is not inevitable. In 2001, the World Bank released a new livestock strategy which, in a surprising reversal of its previous commitment to funding of large-scale livestock projects in developing nations, said that as the livestock sector grows "there is a significant danger that the poor are being crowded out, the environment eroded, and global food safety and security threatened." It promised to use a "people-centered approach" to livestock development projects that will reduce poverty, protect environmental sustainability, ensure food security and welfare, and promote animal welfare. This turnaround happened not because of pressure from environmental or animal welfare activists, but because the largescale, intensive animal production methods the Bank once advocated are simply too costly. Past policies drove out smallholders because economies of scale for large units do not internalize the environmental costs of producing meat. The Bank's new strategy includes integrating livestock-environment interactions into environmental impact assessments, correcting regulatory distortions that favor large producers, and promoting and developing markets for organic products. These measures are steps in the right direction, but more needs to be done by lending agencies, governments, non-governmental organizations, and individual consumers. Changing the meat economy will require a rethinking of our relationship with livestock and the price we're willing to pay for safe, sustainable, humanely-raised food.

FACTORY FARMING IS CHARACTERIZED BY CRUELTY TO ANIMALS

Jonny Frank [Staff Member, BOSTON COLLEGE ENVIRONMENTAL AFFAIRS LAW REVIEW], "FACTORY FARMING: AN IMMINENT CLASH BETWEEN ANIMAL RIGHTS ACTIVISTS AND AGRIBUSINESS," 7 B. C. Env'tl. Aff. L. Rev. 423 1978-1979

Factory farming,^{1 5} characterized by overcrowding, restricted movement, unnatural diets and unanesthetized surgical procedures utilizes intensive farming procedures in such a way that results in severe suffering for the farm animal. The poultry industry uses factory farming techniques in nearly every phase of poultry production and, consequently, most vividly illustrates the abuses of factory farming. However, factory farming occurs in the raising of all farm animals-hogs, calves, dairy cows, cattle, and so forth. This section presents several examples of factory farming techniques and the cruelties they impose on farm animals.

WE TURN A BLIND EYE TO FACTORY FARMING FOR A VARIETY OF SELFISH REASONS

Nancy M. Williams, "AFFECTED IGNORANCE AND ANIMAL SUFFERING: WHY OUR FAILURE TO DEBATE FACTORY FARMING PUTS US AT MORAL RISK," *Journal of Agricultural and Environmental Ethics* (2008) 21:371–384

Given the realities of factory farming methods, and how they inflict acute pain onto billions of animals every year, what can explain the lack of extensive public debate regarding the moral status of these practices? While moral apathy and intellectual laziness can certainly play a role, so too does the preservation of self-interest. We can easily imagine the informed proponent of factory farming who adopts the classic point of view that human interest in animal products outweighs any animal interest at stake. The availability of inexpensive meat trumps animal pain and suffering and in this way, our informed proponent sees no reason to debate the issue. Financial profit (or greed), the convenience and ease of conforming to status quo values and practices as well as the resonant fear that one might be participating in an immoral practice can also generate the unwillingness to investigate. Akratic (or weak-willed) persons who continue to consume meat, dairy, and eggs, even though they believe factory farming methods are immoral also do not debate the issue.⁶ This paper, however, presents another possible explanation: many do not want to acknowledge the details of factory farming, and, in turn, they render themselves ignorant about the moral issues associated with this conventional practice. It addresses the critic who claims that the general failure to scrutinize these practices emerges from "genuine" ignorance or "honest" prejudice. To be sure, factory farming facilities (including large-scale feedlots, hog farms, chicken houses, and abattoirs) are far from public view, tucked away on remote country roads and, ultimately, sequestered from populated areas. Factory farmers are deeply indoctrinated in an agribusiness sub-culture. Therefore, on my critic's view, it is arduous and perhaps impossible for some individuals to even consider that there might be a moral issue at stake. These individuals have no reason (accessible to them) to investigate, and when this is the case, they are not culpable for their ignorance.

WE USE EUPHEMISMS TO DISTANCE OURSELVES FROM THE SUFFERING IMPOSED BY FACTORY FARMING

Nancy M. Williams, "AFFECTED IGNORANCE AND ANIMAL SUFFERING: WHY OUR FAILURE TO DEBATE FACTORY FARMING PUTS US AT MORAL RISK," *Journal of Agricultural and Environmental Ethics* (2008) 21:371–384

Recall the refusal to accept the connection between one's actions and the suffering of victims. By disavowing the relationship between meat eating and animal suffering, individuals can render themselves ignorant of their role in perpetuating practices that inevitably cause insurmountable suffering for billions of animals. Like the Nazis' egregious use of euphemisms, our language makes it all too convenient to find nothing controversial about meat eating. In agribusiness terms, farm animals are disguised as being-less "objects" by innocuous phrases such as "livestock," "protein harvester," "converting machines," "crops," and "biomachines." Trade reports on agricultural production do not mention animals, only pounds of meat and their market value and it is fairly common for slaughterhouse workers to reference animals whom they will slaughter by their inanimate names: chickens are "broilers," hens are "layers," and bulls are "beef." When animals are made into objects, "things" to be bought, transferred, sold, and then "processed," the connection between meat production and animal suffering dissolves. As consumers, we too rely on deceptive language to disassociate the once, living, breathing animal from the "meat" on one's plate. Adams (2004) explains that in order for meat to exist, animals in name and body are made absent as animals:

Animals are made absent through language that renames dead bodies before consumers participate in eating them...[W]hen we eat animals we change the way we talk about them, for instance, we no longer talk about baby animals but about veal or lamb...[T]he word meat has an absent referent, the dead animal. The absent referent permits us to forget the animal as an independent entity; it also enables us to resist efforts to make animals present. (2004: 51)

When the animal is made absent so too is the possibility that one's actions may be linked to industrialized animal cruelty. In other words, verbal disguises shield us not only from the fact that it is dead (mostly baby) animals we are eating, but they also obscure the moral and epistemic obligation to know how our actions may contribute, in some way, to another's suffering.

NEGATIVE EVIDENCE

PERSONHOOD IS THE CORE SOURCE OF MORALITY

Gruen, Lori [Professor of Philosophy, Feminist, Gender, and Sexuality Studies, and Environmental Studies at Wesleyan University], "The Moral Status of Animals", The Stanford Encyclopedia of Philosophy (Fall 2010 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/fall2010/entries/moral-animal/>.

Nonetheless, there is something important that is thought to distinguish humans from non-humans that is not reducible to the observation of behavior best explained by possessing a certain capacity, namely our "personhood." The notion of personhood identifies a category of morally considerable beings that is thought to be coextensive with humanity. Historically, Kant is the most noted defender of personhood as the quality that makes a being valuable and thus morally considerable. In the Groundwork, Kant writes:

...every rational being, exists as an end in himself and not merely as a means to be arbitrarily used by this or that will...Beings whose existence depends not on our will but on nature have, nevertheless, if they are not rational beings, only a relative value as means and are therefore called things. On the other hand, rational beings are called persons inasmuch as their nature already marks them out as ends in themselves. (Kant, 1785, 428)

And in the Lectures on Anthropology:

The fact that the human being can have the representation "I" raises him infinitely above all the other beings on earth. By this he is a person....that is, a being altogether different in rank and dignity from things, such as irrational animals, with which one may deal and dispose at one's discretion. (Kant, LA, 7, 127)

HUMANS ARE MORALLY DISTINCT BECAUSE THEY POSSESS SELF-REFLECTIVE REASON

Gruen, Lori [Professor of Philosophy, Feminist, Gender, and Sexuality Studies, and Environmental Studies at Wesleyan University], "The Moral Status of Animals", The Stanford Encyclopedia of Philosophy (Fall 2010 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/fall2010/entries/moral-animal/>.

More recent work in a Kantian vein develops this idea. Christine Korsgaard, for example, argues that humans "uniquely" face a problem, the problem of normativity. This problem emerges because of the reflective structure of human consciousness. We can, and often do, think about our desires and ask ourselves "Are these desires reasons for action? Do these impulses represent the kind of things I want to act according to?" Our reflective capacities allow us and require us to step back from our mere impulses in order to determine when and whether to act on them. In stepping back we gain a certain distance from which we can answer these questions and solve the problem of normativity. We decide whether to treat our desires as reasons for action based on our conceptions of ourselves, on our "practical identities." When we determine whether we should take a particular desire as a reason to act we are engaging in a further level of reflection, a level that requires an endorseable description of ourselves. This endorseable description of ourselves, this practical identity, is a necessary moral identity because without it we cannot view our lives as worth living or our actions as worth doing. Korsgaard suggests that humans face the problem of normativity in a way that non-humans apparently do not:

A lower animal's attention is fixed on the world. Its perceptions are its beliefs and its desires are its will. It is engaged in conscious activities, but it is not conscious of them. That is, they are not the objects of its attention. But we human animals turn our attention on to our perceptions and desires themselves, on to our own mental activities, and we are conscious of them. That is why we can think about them...

And this sets us a problem that no other animal has. It is the problem of the normative.... The reflective mind cannot settle for perception and desire, not just as such. It needs a reason. (Korsgaard, 1996, 93)

Here, Korsgaard understands "reason" as "a kind of reflective success" and given that non-humans are thought to be unable to reflect in a way that would allow them this sort of success, it appears that they do not act on reasons, at least reasons of this kind. Since non-humans do not act on reasons they do not have a practical identity from which they reflect and for which they act. So humans can be distinguished from non-humans because humans, we might say, are sources of normativity and non-humans are not.

WE SHOULD BE KIND TO ANIMALS NOT BECAUSE THEY HAVE RIGHTS BUT BECAUSE WE HAVE DUTIES TO MAINTAIN HUMANE MORAL SENSIBILITIES IN GENERAL AS THESE MAY IMPLICATE HOW WE ACT TOWARD PERSONS

Gruen, Lori [Professor of Philosophy, Feminist, Gender, and Sexuality Studies, and Environmental Studies at Wesleyan University], "The Moral Status of Animals", The Stanford Encyclopedia of Philosophy (Fall 2010 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/fall2010/entries/moral-animal/>.

There are four ways to respond to this counter-intuitive conclusion. One, which can be derived from one interpretation of Kant, is to suggest that non-persons are morally considerable indirectly. Though Kant believed that animals were mere things it appears he did not genuinely believe we could dispose of them any way we wanted. In the Lectures on Ethics he makes it clear that we have indirect duties to animals, duties that are not toward them, but in regard to them insofar as our treatment of them can affect our duties to persons.

If a man shoots his dog because the animal is no longer capable of service, he does not fail in his duty to the dog, for the dog cannot judge, but his act is inhuman and damages in himself that humanity which it is his duty to show towards mankind. If he is not to stifle his human feelings, he must practice kindness towards animals, for he who is cruel to animals becomes hard also in his dealings with men. (Kant, LE, 240)

And one could argue the same would be true of those human beings who are not persons. We disrespect our humanity when we act in inhumane ways towards non-persons, whatever their species.

IT IS INCORRECT TO ARGUE THAT DENYING THE MORAL WORTH OF NON-RATIONAL ANIMALS REQUIRES US TO DO THE SAME FOR NON-RATIONAL HUMANS. BEINGS WHICH HAVE A RATIONAL NATURE ARE DUE MORAL RESPECT

Gruen, Lori [Professor of Philosophy, Feminist, Gender, and Sexuality Studies, and Environmental Studies at Wesleyan University], "The Moral Status of Animals", The Stanford Encyclopedia of Philosophy (Fall 2010 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/fall2010/entries/moral-animal/>.

But this indirect view is unsatisfying—it fails to capture the independent wrong that is being done to the non-person. When someone rapes a woman in a coma, or whips a severely brain damaged child, or sets a cat on fire, they are not simply disrespecting humanity or themselves as representatives of it, they are wronging these non-persons. So, a second way to avoid the counter-intuitive conclusion is to argue that such non-persons stand in the proper relations to "rational nature" such that they should be thought of as morally considerable. Allen Wood (1998) argues in this way and suggests that all beings that potentially have a rational nature, or who virtually have it, or who have had it, or who have part of it, or who have the necessary conditions of it, what he calls "the infrastructure of rational nature", should be directly morally considerable. Insofar as a being stands in this relation to rational nature, they are the kinds of beings that can be wronged.

SOME THEORISTS WHO BELIEVE THAT CREATURES ARE NOT CONSCIOUS UNLESS THEY CAN REFLECT ON THEIR OWN MENTAL STATES CONCLUDE THAT NON-HUMAN ANIMALS ARE NOT CONSCIOUS

Allen, Colin [Professor of History and Philosophy of Science at Indiana University, Bloomington], "Animal Consciousness", The Stanford Encyclopedia of Philosophy (Summer 2011 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/sum2011/entries/consciousness-animal/>>.

Dissatisfaction with the first-order theories of consciousness has resulted in several higher-order accounts which invoke mental states directed towards other mental states to explain phenomenal consciousness. Carruthers' "higher order thought" (HOT) theory a mental state is phenomenally conscious for a subject just in case it is available to be thought about directly by that subject (Carruthers 1998a,b, 2000). The term "available" here makes this a "dispositionalist" account, as opposed to an "actualist" which requires the actual occurrence of the 2nd order thought for subject to be conscious in the relevant sense. According to Carruthers, such higher-order thoughts are not possible unless a creature has a "theory of mind" to provide it with the concepts necessary for thought about mental states. Carruthers' view is of particular interest in the current context because he has used it explicitly to deny phenomenal consciousness to (almost) all nonhuman animals.

Carruthers argues, there is little, if any, scientific support for theory of mind in nonhuman animals, even among the great apes — with the possible exception of chimpanzees — from which he concludes that there is little support either for the view that any animals possess phenomenological consciousness. Further evaluation of this argument will be taken up further below, but it is worth noting here that if (as experiments on the attribution of false beliefs suggest) young children before the age of 4 lack a theory of mind, Carruthers' view entails that they are not sentient either — fear of needles notwithstanding! This is a bullet Carruthers bites, although for many it constitutes a reductio of his view (a response Carruthers would certainly regard as question-begging).

IT DOES NOT MAKE SENSE TO CONCLUDE THAT HUMANS AND ANIMALS ARE COGNITIVELY SIMILAR BY POINTING TO A FEW INSTANCES OF SIMILARITY

Allen, Colin [Professor of History and Philosophy of Science at Indiana University, Bloomington], "Animal Consciousness", The Stanford Encyclopedia of Philosophy (Summer 2011 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/sum2011/entries/consciousness-animal/>>.

Such similarity arguments are, of course, inherently weak for it is always open to critics to exploit some disanalogy between animals and humans to argue that the similarities don't entail the conclusion that both are sentient (Allen 1998, 2004b). Even when bolstered by evolutionary considerations of continuity between the species, the arguments are vulnerable, for the mere fact that humans have a trait does not entail that our closest relatives must have that trait too. There is no inconsistency with evolutionary continuity to maintain that only humans have the capacity to learn to play chess. Likewise for consciousness. Povinelli & Giambrone (2000) also argue that the argument from analogy fails because superficial observation of quite similar behaviors even in closely related species does not guarantee that the underlying cognitive principles are the same, a point that Povinelli believes is demonstrated by his research (described in the previous section) into how chimpanzees use cues to track visual attention (Povinelli 1996). (See Allen 2002 for criticism of their analysis of the argument by analogy.)

THE FACT THAT ANIMALS ARE AWARE OF THEIR SURROUNDINGS DOES NOT MEAN THAT THEY ARE SENTIENT

Allen, Colin [Professor of History and Philosophy of Science at Indiana University, Bloomington], "Animal Consciousness", The Stanford Encyclopedia of Philosophy (Summer 2011 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/sum2011/entries/consciousness-animal/>>.

If compensating for small sets of neurons is not a plausible function for consciousness, what might be? The commonsensical answer would be that consciousness "tells" the organism about events in the environment, or, in the case of pain and other proprioceptive sensations, about the state of the body. But this answer begs the question against opponents of attributing conscious states to animals for it fails to respect the distinction between phenomenal consciousness and mere awareness (in the uncontroversial sense of detection) of environmental or bodily events. Opponents of attributing the phenomenal consciousness to animals are not committed to denying the more general kind of consciousness of various external and bodily events, so there is no logical entailment from awareness of things in the environment or the body to animal sentience.

THE PHILOSOPHICAL TRADITION HAS GENERALLY REGARDED ANIMALS AS IRRATIONAL

Andrews, Kristin [Associate Professor in the Department of Philosophy and Cognitive Science Program at York University], "Animal Cognition", The Stanford Encyclopedia of Philosophy (Summer 2011 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/sum2011/entries/cognition-animal/>>.

The early history of western philosophy reflects a tendency to see animals as lacking rationality. Aristotle defined "human" as "the rational animal", thus rejecting the possibility that any other species is rational (Aristotle Metaphysics). Aquinas believed that animals are irrational because they are not free (Aquinas Summa Theologica). Centuries later, Descartes defended a distinction between humans and animals based on the belief that language is a necessary condition for mind; on his view animals are soulless machines (Descartes Discourse on the Method). Locke agreed that animals cannot think, because words are necessary for comprehending universals (Locke Essay Concerning Human Understanding). Following in this tradition, Kant concluded that since they cannot think about themselves, animals are not rational agents and hence they only have instrumental value (Kant Lectures on Ethics).

THE FACT THAT ANIMALS LACK LANGUAGE MEANS THAT SCIENCE IS NOT ABLE TO MEANINGFULLY ASCRIBE ADVANCED COGNITION TO EXPLAIN THEIR BEHAVIOR

Andrews, Kristin [Associate Professor in the Department of Philosophy and Cognitive Science Program at York University], "Animal Cognition", The Stanford Encyclopedia of Philosophy (Summer 2011 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/sum2011/entries/cognition-animal/>>.

Some argue that anthropomorphism is a human tendency that must be overcome in order to do good science, because it relies on an unjustified generalization from linguistic humans to nonlinguistic animals. These critics suggest that animals who lack language may not even have concepts, and without language scientists are not in a position to attribute content. Since we are barred from making attributions, scientific psychology ought not engage with questions about animal mentality (e.g. Keeton 1967; Kennedy 1992; Blumberg & Wasserman 1995; Wynne 2004, 2007).

SCIENTISTS LACK IMAGINATION WHEN ATTEMPTING TO EXPLAIN ANIMAL BEHAVIOR AND ARE THEREFORE LIKELY TO FALSELY ATTRIBUTE HIGH-LEVEL COGNITION WHERE NONE EXISTS

Andrews, Kristin [Associate Professor in the Department of Philosophy and Cognitive Science Program at York University], "Animal Cognition", The Stanford Encyclopedia of Philosophy (Summer 2011 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/sum2011/entries/cognition-animal/>.

Another worry concerns the scientific hypotheses at play. Even if there is no categorical prohibition against attributing human properties to animals, some researchers may be too quick to conclude that an animal is using some "higher-order" process in a particular instance. One concern is that researchers may have a failure of imagination when it comes to hypothesis generation; they may make an inference to the best explanation argument without considering all the possible explanations. This reflects Kennedy's worry when he claims that the following argument for attributing mental properties to animals rests on a false dichotomy: either animals are stimulus-response machines, or they are agents with beliefs and desires; since animals are not stimulus-response machines, they must be psychological agents (Kennedy 1992). According to Kennedy, the problem with this argument is that not all machines implement stimulus-response functions; some machines are complex and indeterministic, and if animals were machines, they would be machines of that sort (Barlow 1990; Kennedy 1992). Similar concerns are put forward by those who stress, contra Darwin, the discontinuity between humans and other animals (Penn et al. 2008).

SCIENTISTS PREFER TO FIND SIMILARITIES BETWEEN NON-HUMAN AND HUMAN COGNITION, AND THIS BIASES THE RESULTS OF EMPIRICAL RESEARCH

Andrews, Kristin [Associate Professor in the Department of Philosophy and Cognitive Science Program at York University], "Animal Cognition", The Stanford Encyclopedia of Philosophy (Summer 2011 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/sum2011/entries/cognition-animal/>.

Finally, some worry that the science of comparative cognition has been damaged by the idea that explanation of behavior in terms of species-typical predispositions rather than in terms of human-like reasoning or insight amounts to a "killjoy" explanation (Shettleworth 2010b). When one considers differences between humans and animals to be less joyful than similarities, it should not be surprising if more similarities are found. Even worse is the worry that some "human-like reasoning" postulated to explain human behavior is false, and that extraordinary behaviors performed by humans and other animals might arise out of simple processes (Andrews 2005, forthcoming; Penn et al. 2008; Shettleworth 2010b; de Waal & Ferrari 2010). This view reflects some approaches in cognitive science that focus on the power of simple rules and the emergence of complex behavior in self-organizing systems, and is related to philosophical research on emergent properties, mental representation, artificial life, robotics, as well as situated, distributed and dynamical approaches to cognition (see, e.g., Clark 2001).

BECAUSE ANIMALS CANNOT UNDERSTAND THAT BELIEFS CAN BE OBJECTIVELY TRUE AND FALSE, THEY CANNOT HAVE BELIEFS AT ALL

Andrews, Kristin [Associate Professor in the Department of Philosophy and Cognitive Science Program at York University], "Animal Cognition", The Stanford Encyclopedia of Philosophy (Summer 2011 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/sum2011/entries/cognition-animal/>>.

For others, the lack of an external language (and the lack of an error theory to account for why animals would have a language of thought while lacking external language) suggests that animals do not have beliefs at all (Dennett 1996; Davidson 1982, Stich 1978). Donald Davidson has offered an argument against animal rationality based on an association between concepts, beliefs, and language. On Davidson's view, believers must have the concept of belief, because in order to have a belief, one must recognize that beliefs can be true or false, and one cannot understand objective truth without understanding the nature of beliefs. In order to develop an understanding of objective truth, one must be able to triangulate with others, to talk to others about the world, and hence all believers must be language users. Since other species lack language, they do not have beliefs (Davidson 1982). Davidson also argues against animal beliefs based on the claim that having a notion of error is necessary for counting as a believer (Davidson 1975). These arguments have been widely discussed in the literature.

WE CANNOT SAY THAT ANIMALS HAVE BELIEFS BECAUSE IT REQUIRES US TO ASSUME MORE THAN WE CAN PROVE ABOUT THE NATURE OF THOSE BELIEFS

Andrews, Kristin [Associate Professor in the Department of Philosophy and Cognitive Science Program at York University], "Animal Cognition", The Stanford Encyclopedia of Philosophy (Summer 2011 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/sum2011/entries/cognition-animal/>>.

A different argument against animal belief has been presented by Stephen Stich, who argues that we cannot attribute propositional attitudes to animals in any metaphysically robust sense, given our inability to attribute content to an animal's purported belief (Stich 1978). On Stich's view, if attribution of belief to animals is understood purely instrumentally, then animals have beliefs. However, if attribution of beliefs to animals requires that we can accurately describe the content of those beliefs, then animals don't have beliefs. In response to Armstrong's suggestion that we can fix the content of animal belief *de re* (Armstrong 1973), Stich argues that we cannot make *de re* attributions because this would violate the truth-preserving role of attribution. In addition, because "nothing we could discover would enable us to attribute content to an animal's belief" (Stich 1978, 23), we are unable to make *de dicto* attributions to other species. Hence, we can make no attribution, and if we can't say what an animal's belief is about, it makes no sense to say that an animal has a belief. The worry here is similar to the worry about anthropomorphism; when we use our language to ascribe content to other species, we may be attributing to them more than is appropriate. Stich is concerned that when we say "Fido believes there is a meaty bone buried in the backyard" we are attributing to Fido concepts he cannot possibly have, concepts like "backyard" which are only comprehensible if one has corresponding concepts such as "property line", "house", "fence", and so on. Stich's argument can be formulated as:

1. In order for something to have a belief, it must have a concept.
2. In order to have a concept, one must have particular kinds of knowledge, including knowledge of how the concept relates to other concepts.
3. Non-human animals don't have such knowledge.
4. Therefore, non-human animals don't have beliefs.

MEDICAL RESEARCH ON ANIMALS CAN BE EFFECTIVELY REGULATED BY WEIGHING THE POTENTIAL BENEFITS OF THE RESEARCH AGAINST THE COST OF USING THE ANIMALS AND STANDARDIZING RESPONSIBLE RESEARCH PRACTICES

Simon Festing [Executive Director of the Research Defense Society, London] and Robin Wilkinson [Science Communications Officer at the Research Defense Society, London], "The ethics of animal research. Talking Point on the use of animals in scientific research," *EMBO Reports*, Volume 8(6), pp. 526-530. URL=
<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2002542/>.

The UK has gone further than any other country to write such an ethical framework into law by implementing the Animals (Scientific Procedures) Act 1986. It exceeds the requirements in the European Union's Directive 86/609/EEC on the protection of animals used for experimental and other scientific purposes, which is now undergoing revision (Matthiessen et al, 2003). The Act requires that proposals for research involving the use of animals must be fully assessed in terms of any harm to the animals. This involves detailed examination of the particular procedures and experiments, and the numbers and types of animal used. These are then weighed against the potential benefits of the project. This cost-benefit analysis is almost unique to UK animal research legislation; only German law has a similar requirement. In addition, the UK government introduced in 1998 further 'local' controls—that is, an Ethical Review Process at research institutions—which promote good animal welfare and humane science by ensuring that the use of animals at the designated establishment is justified. The aims of this additional review process are: to provide independent ethical advice, particularly with respect to applications for project licences, and standards of animal care and welfare; to provide support to licensees regarding animal welfare and ethical issues; and to promote ethical analysis to increase awareness of animal welfare issues and to develop initiatives for the widest possible application of the 3Rs—replacement, reduction and refinement of the use of animals in research (Russell & Burch, 1959). In practice, there has been concern that the Ethical Review Process adds a level of bureaucracy that is not in proportion to its contribution to improving animal welfare or furthering the 3Rs.

THE PUBLIC SUPPORTS THE USE OF MEDICAL TESTING ON ANIMALS SO LONG AS THERE ARE REASONABLE LIMITS

Simon Festing [Executive Director of the Research Defense Society, London] and Robin Wilkinson [Science Communications Officer at the Research Defense Society, London], "The ethics of animal research. Talking Point on the use of animals in scientific research," *EMBO Reports*, Volume 8(6), pp. 526-530. URL=
<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2002542/>.

Thanks to some extensive opinion polls by MORI (1999a, 2002, 2005), and subsequent polls by YouGov (2006) and ICM (2006), we now have a good understanding of the public's attitudes towards animal research. Although society views animal research as an ethical dilemma, polls show that a high proportion—84% in 1999, 90% in 2002 and 89% in 2005—is ready to accept the use of animals in medical research if the research is for serious medical purposes, suffering is minimized and/or alternatives are fully considered. When asked which factors should be taken into account in the regulatory system, people chose those that—unknown to them—are already part of the UK legislation. In general, they feel that animal welfare should be weighed against health benefits, that cosmetic-testing should not be allowed, that there should be supervision to ensure high standards of welfare, that animals should be used only if there is no alternative, and that spot-checks should be carried out. It is clear that the UK public would widely support the existing regulatory system if they knew more about it.

WHILE MEDICAL DATA CAN BE MISLEADING, MOST DOCTORS AGREE THAT IT IS A VALUABLE SCIENTIFIC RESOURCE IF KEPT IN THE PROPER PERSPECTIVE

Simon Festing [Executive Director of the Research Defense Society, London] and Robin Wilkinson [Science Communications Officer at the Research Defense Society, London], "The ethics of animal research. Talking Point on the use of animals in scientific research," *EMBO Reports*, Volume 8(6), pp. 526-530. URL=
<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2002542/>.

Unsurprisingly, medical general practitioners (GPs) are even more aware of the contribution that animal research has made and continues to make to human health. In 2006, a survey by GP Net showed that 96% of GPs agreed that animal research has made important contributions to many medical advances (RDS News, 2006). The opinion poll also sought doctors' views about the safety testing of medicines. Almost nine out of ten GPs (88%) agreed that new medicines should be tested on animals before undergoing human trials.

GP Net also asked whether GPs agreed that "medical research data can be misleading"; 93% agreed. This result puts into context the results from another poll of GPs in 2004. Europeans for Medical Progress (EMP; London, UK), an anti-vivisection group, found that 82% had a "concern [...] that animal data can be misleading when applied to humans" (EMP, 2004). In fact, it seems that most GPs think that medical research in general can be misleading; it is good scientific practice to maintain a healthy degree of scepticism and avoid over-reliance on any one set of data or research method.

MULTIPLE INDEPENDENT INQUIRIES IN THE UNITED KINGDOM HAVE CONCLUDED THAT ANIMAL TESTING IS AN IMPORTANT MEDICAL TOOL AND INTEREST GROUPS CAMPAIGNING AGAINST IT OFTEN EMPLOY FALSE OR MISLEADING INFORMATION

Simon Festing [Executive Director of the Research Defense Society, London] and Robin Wilkinson [Science Communications Officer at the Research Defense Society, London], "The ethics of animal research. Talking Point on the use of animals in scientific research," *EMBO Reports*, Volume 8(6), pp. 526-530. URL=
<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2002542/>.

In the past five years, there have been four major UK independent inquiries into the use of animals in biomedical research: a Select Committee in the House of Lords (2002); the Animal Procedures Committee (2003); the Nuffield Council on Bioethics (2005); and the Weatherall Committee (Weatherall et al, 2006), which specifically examined the use of non-human primates in scientific and medical research. All committees included non-scientists and examined evidence from both sides of the debate. These rigorous independent inquiries all accepted the rationale for the use of animals in research for the benefit of human health, and concluded that animal research can be scientifically validated on a case-by-case basis. The Nuffield Council backed the 3Rs and the need for clear information to support a constructive debate, and further stated that violence and intimidation against researchers or their allies is morally wrong.

In addition, the Advertising Standards Authority (ASA; London, UK) has investigated and ruled on 38 complaints made since 1992 about published literature—leaflets and brochures—regarding claims about the validity or otherwise of animal research and the scope of alternative methods. In 34 out of 38 cases, they found against the anti-vivisectionist groups, either supporting complaints about anti-vivisectionist literature, or rejecting the complaints by anti-vivisectionists about the literature from medical organizations. Only four complaints against scientific/medical research literature have been upheld, not because the science was flawed but as a result of either semantics or the ASA judging that the advertisement fell outside the UK remit.

UK RESEARCHERS HAVE DECREASED THE PROPORTION OF THEIR RESEARCH CONDUCTED THROUGH ANIMAL TESTING, INDICATING THAT THERE ARE NOT VIABLE ALTERNATIVES FOR THE PROCEDURES IN WHICH ANIMALS ARE USED

Simon Festing [Executive Director of the Research Defense Society, London] and Robin Wilkinson [Science Communications Officer at the Research Defense Society, London], "The ethics of animal research. Talking Point on the use of animals in scientific research," *EMBO Reports*, Volume 8(6), pp. 526-530. URL=<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2002542/>.

After a period of significant reduction, the number of regulated animal procedures stabilized from 1995 until 2002. Between 2002 and 2005, the use of genetically modified animals—predominantly mice—led to a 1–2% annual increase in the number of animals used (Home Office, 2005). However, between 1995 and 2005, the growth in UK biomedical research far outstripped this incremental increase: combined industry and government research and development (R&D) spending rose by 73% from £2,080 million to £3,605 million (ABPI, 2007; DTI, 2005). Animal research has obviously become a smaller proportion of overall bioscience and medical R&D spending in the UK. This shows the commitment of the scientific community to the development and use of replacement and reduction techniques, such as computer modelling and human cell lines. Nevertheless, animal research remains a small, but vital, part of biomedical research—experts estimate it at about 10% of total biomedical R&D spending.

ANIMAL TESTING IS NECESSARY FOR MEDICAL RESEARCH BECAUSE IT IS IMPOSSIBLE TO REPLICATE THE COMPLICATED PHYSIOLOGY OF LARGE LIVING CREATURES

Simon Festing [Executive Director of the Research Defense Society, London] and Robin Wilkinson [Science Communications Officer at the Research Defense Society, London], "The ethics of animal research. Talking Point on the use of animals in scientific research," *EMBO Reports*, Volume 8(6), pp. 526-530. URL=<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2002542/>.

The ultimate aim of the NC3Rs is to substitute a significant proportion of animal research by investigating the development of alternative techniques, such as human studies, and in vitro and in silico studies. RDS supports this aim, but believes that it is unrealistic to expect this to be possible in every area of scientific research in the immediate future. After all, if the technology to develop these alternatives is not available or does not yet exist, progress is likely to be slow. The main obstacle is still the difficulty of accurately mimicking the complex physiological systems of whole living organisms—a challenge that will be hard to meet. There has been some progress recently imitating single organs such as the liver, but these need further refinement to make them suitable models for an entire organ and, even if validated, they cannot represent a whole-body system. New and promising techniques such as microdosing also have the potential to reduce the number of animals used in research, but again cannot replace them entirely.

MEDICAL TESTING ON ANIMALS WAS ESSENTIAL TO LOUIS PASTEUR'S EARLY BREAKTHROUGHS IN BACTERIOLOGY

Jack H. Botting [former scientific adviser to the Research Defense Society in London] and Adrian R. Morrison [Director of the Laboratory for Study of the Brain in Sleep at the University of Pennsylvania School of Veterinary Medicine], "Animal Research is Vital to Medicine," *Scientific American*, February 1997, pp. 83-85.

In the mid-19th century, most debilitating diseases resulted from bacterial or viral infections, but at the time, most physicians considered these ailments to be caused by internal derangements of the body. The proof that such diseases did in fact derive from external microorganisms originated with work done by the French chemist Louis Pasteur and his contemporaries, who studied infectious diseases in domestic animals. Because of his knowledge of how contaminants caused wine and beer to spoil, Pasteur became convinced that microorganisms were also responsible for diseases such as chicken cholera and anthrax.

To test his hypothesis, Pasteur examined the contents of the guts of chickens suffering from cholera; he isolated a possible causative microbe and then grew the organism in culture. Samples of the culture given to healthy chickens and rabbits produced cholera, thus proving that Pasteur had correctly identified the offending organism. By chance, he noticed that after a time, cultures of the microorganisms lost their ability to infect. But birds given the ineffective cultures became resistant to fresh batches that were otherwise lethal to untreated birds. Physicians had previously observed that among people who survived a severe attack of certain diseases, recurrence of the disease was rare; Pasteur had found a means of producing this resistance without risk of disease. This experience suggested to him that with the administration of a weakened culture of the disease-causing bacteria, doctors might be able to induce in their patients immunity to infectious diseases.

In similar studies on rabbits and guinea pigs, Pasteur isolated the microbe that causes anthrax and then developed a vaccine against the deadly disease. With the information from animal experiments— obviously of an extent that could never have been carried out on humans—he proved not only that infectious diseases could be produced by microorganisms but also that immunization could protect against these diseases.

ANIMAL TESTING WAS KEY IN THE DEVELOPMENT OF SULFONAMIDE DRUGS

Jack H. Botting [former scientific adviser to the Research Defense Society in London] and Adrian R. Morrison [Director of the Laboratory for Study of the Brain in Sleep at the University of Pennsylvania School of Veterinary Medicine], "Animal Research is Vital to Medicine," *Scientific American*, February 1997, pp. 83-85.

Animal research not only produced new vaccines for the treatment of infectious disease, it also led to the development of antibacterial and antibiotic drugs. In 1935, despite aseptic precautions, trivial wounds could lead to serious infections that resulted in amputation or death. At the same time, in both Europe and the U.S., death from puerperal sepsis (a disease that mothers can contract after childbirth, usually as a result of infection by hemolytic streptococci) occurred in 200 of every 100,000 births. In addition, 60 of every 100,000 men aged 45 to 64 died from lobar pneumonia. When sulfonamide drugs became available, these figures fell dramatically: by 1960 only five out of every 100,000 mothers contracted puerperal sepsis, and only six of every 100,000 middle-aged men succumbed to lobar pneumonia. A range of other infections could also be treated with these drugs.

The story behind the introduction of sulfonamide drugs is instructive. The team investigating these compounds— Gerhard Domagk's group at Bayer Laboratories in Wuppertal-Elberfeld, Germany— insisted that all candidate compounds be screened in infected mice (using the so-called mouse protection test) rather than against bacteria grown on agar plates. Domagk's perspicacity was fortunate: the compound prontosil, for instance, proved to be extremely potent in mice, but it had no effect on bacteria in vitro—the active antibacterial substance, sulfanilamide, was formed from prontosil within the body. Scientists synthesized other, even more powerful sulfonamide drugs and used them successfully against many infections. For his work on antibacterial drugs, Domagk won the Nobel Prize in 1939.

FAILURE TO USE ANIMAL TESTING DELAYED THE USE OF PENICILLIN

Jack H. Botting [former scientific adviser to the Research Defense Society in London] and Adrian R. Morrison [Director of the Laboratory for Study of the Brain in Sleep at the University of Pennsylvania School of Veterinary Medicine], "Animal Research is Vital to Medicine," *Scientific American*, February 1997, pp. 83-85.

A lack of proper animal experimentation unfortunately delayed for a decade the use of the remarkable antibiotic penicillin: Alexander Fleming, working in 1929, did not use mice to examine the efficacy of his cultures containing crude penicillin (although he did show the cultures had no toxic effects on mice and rabbits). In 1940, however, Howard W. Florey, Ernst B. Chain and others at the University of Oxford finally showed penicillin to be dramatically effective as an antibiotic via the mouse protection test.

ANIMAL TESTING HAS BEEN VITAL TO THE DEVELOPMENT OF MANY ADVANCED MEDICAL PROCEDURES

Jack H. Botting [former scientific adviser to the Research Defense Society in London] and Adrian R. Morrison [Director of the Laboratory for Study of the Brain in Sleep at the University of Pennsylvania School of Veterinary Medicine], "Animal Research is Vital to Medicine," *Scientific American*, February 1997, pp. 83-85.

Research on animals has been vital to numerous other areas in medicine. Openheart surgery—which saves the lives of an estimated 440,000 people every year in the U.S. alone—is now routine, thanks to 20 years of animal research by scientists such as John Gibbon of Jefferson Medical College in Philadelphia. Replacement heart valves also emerged from years of animal experimentation.

The development of treatments for kidney failure has relied on step-by-step improvement of techniques through animal experiments. Today kidney dialysis and even kidney transplants can save the lives of patients suffering from renal failure as a result of a variety of ailments, including poisoning, severe hemorrhage, hypertension or diabetes. Roughly 200,000 people require dialysis every year in the U.S.; some 11,000 receive a new kidney. Notably, a drug essential for dialysis—heparin—must be extracted from animal tissues and tested for safety on anesthetized animals.

Transplantation of a kidney or any major organ presents a host of complications; animal research has been instrumental in generating solutions to these problems. Experiments on cats helped develop techniques for suturing blood vessels from the host to the donor organ so that the vessels would be strong enough to withstand arterial pressure. Investigators working with rabbits, rodents, dogs and monkeys have also determined ways to suppress the immune system to avoid rejection of the donor organ.

The list continues. Before the introduction of insulin, patients with diabetes typically died from the disease. For more than 50 years, the lifesaving hormone had to be extracted from the pancreas of cattle or pigs; these batches of insulin also had to be tested for safety and efficacy on rabbits or mice.

When we started our scientific careers, the diagnosis of malignant hypertension carried with it a prognosis of death within a year, often preceded by devastating headaches and blindness. Research on anesthetized cats in the 1950s heralded an array of progressively improved antihypertensive medicines, so that today treatment of hypertension is effective and relatively benign. Similarly, gastric ulcers often necessitated surgery with a marked risk of morbidity afterward. Now antiulcer drugs, developed from tests in rats and dogs, can control the condition and may effect a cure if administered with antibiotics to eliminate *Helicobacter pylori* infection.

ANIMAL RIGHTS PROPAGANDA CITING THE DIFFERENCES BETWEEN HUMAN AND ANIMAL PHYSIOLOGY AS A REASON TO ABANDON ANIMAL TESTING IS INACCURATE

Jack H. Botting [former scientific adviser to the Research Defense Society in London] and Adrian R. Morrison [Director of the Laboratory for Study of the Brain in Sleep at the University of Pennsylvania School of Veterinary Medicine], "Animal Research is Vital to Medicine," *Scientific American*, February 1997, pp. 83-85.

Much is made in animal-rights propaganda of alleged differences between species in their physiology or responses to drugs that supposedly render animal experiments redundant or misleading. These claims can usually be refuted by proper examination of the literature. For instance, opponents of animal research frequently cite the drug thalidomide as an example of a medicine that was thoroughly tested on animals and showed its teratogenic effect only in humans. But this is not so. Scientists never tested thalidomide in pregnant animals until after fetal deformities were observed in humans. Once they ran these tests, researchers recognized that the drug did in fact cause fetal abnormalities in rabbits, mice, rats, hamsters and several species of monkey. Similarly, some people have claimed that penicillin would not have been used in patients had it first been administered to guinea pigs, because it is inordinately toxic to this species. Guinea pigs, however, respond to penicillin in exactly the same way as do the many patients who contract antibiotic-induced colitis when placed on long-term penicillin therapy. In both guinea pigs and humans, the cause of the colitis is infection with the bacterium *Clostridium difficile*.

HUMAN AND ANIMAL PHYSIOLOGY IS SUFFICIENTLY SIMILAR TO JUSTIFY MEDICAL TESTING ON ANIMALS

Jack H. Botting [former scientific adviser to the Research Defense Society in London] and Adrian R. Morrison [Director of the Laboratory for Study of the Brain in Sleep at the University of Pennsylvania School of Veterinary Medicine], "Animal Research is Vital to Medicine," *Scientific American*, February 1997, pp. 83-85.

In truth, there are no basic differences between the physiology of laboratory animals and humans. Both control their internal biochemistry by releasing endocrine hormones that are all essentially the same; both humans and laboratory animals send out similar chemical transmitters from nerve cells in the central and peripheral nervous systems, and both react in the same way to infection or tissue injury.

Animal models of disease are unjustly criticized by assertions that they are not identical to the conditions studied in humans. But they are not designed to be so; instead such models provide a means to study a particular procedure. Thus, cystic fibrosis in mice may not exactly mimic the human condition (which varies considerably among patients anyway), but it does provide a way to establish the optimal method of administering gene therapy to cure the disease. Opponents of animal experiments also allege that most illness can be avoided by a change of lifestyle; for example, adoption of a vegan diet that avoids all animal products. Whereas we support the promulgation of healthy practices, we do not consider that our examples could be prevented by such measures.

MODERN EXPERIMENTORS DETERMINE APPROPRIATE POINTS TO EUTHENIZE TEST SUBJECTS TO AVOID UNNECESSARY SUFFERING

Madhusree Mukerjee [Ph.D Physics, University of Chicago, editor of *Scientific American*], "Trends in Animal Research," *Scientific American*, February 1997, pp. 86-93.

Increasingly, animal experimenters try to balance scientific imperatives with humaneness. Keith A. Reimann, a veterinarian at Harvard University's animal facility, does AIDS-related research in monkeys. He insists that a macaque be euthanized as soon as it becomes sick, even if additional information might be gained by following the course of the illness. Franz P. Gruber of the University of Konstanz in Germany, who serves on a board overseeing animal experimentation, says his committee does not allow "death as an end point"—studies in which the animal dies of the disease or procedure being studied. Instead the committee works with the researcher to define a stage at which the creature can be put out of its misery.

A UTILITARIAN VIEW ALLOWS MORAL INTERESTS TO BE WEIGHED AGAINST ONE ANOTHER AND THEREFORE IS NOT THE EQUIVALENT OF GIVING ANIMALS RIGHTS

Gruen, Lori [Professor of Philosophy, Feminist, Gender, and Sexuality Studies, and Environmental Studies at Wesleyan University], "The Moral Status of Animals", The Stanford Encyclopedia of Philosophy (Fall 2010 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/fall2010/entries/moral-animal/>.

The utilitarian position on animals, most commonly associated with Peter Singer and popularly, though erroneously, referred to as an animal rights position, is actually quite distinct. Here the moral significance of the claims of animals depends on what other morally significant competing claims might be in play in any given situation. While the equal interests of all morally considerable beings are considered equally, the practices in question may end up violating or frustrating some interests but would not be considered morally wrong if, when all equal interests are considered, more of these interests are satisfied than frustrated. For utilitarians like Singer, what matters are the strength and nature of interests, not whose interests these are. So, if the only options available in order to save the life of one morally considerable being is to cause harm, but not death, to another morally considerable being, then according to a utilitarian position, causing this harm may be morally justifiable. Similarly, if there are two courses of action, one which causes extreme amounts of suffering and ultimate death, and one which causes much less suffering and painless death, then the latter would be morally preferable to the former.

SYMPATHY-BASED THEORIES HAVE ABSURD CONSEQUENCES

Carruthers, Peter (2011). "Animal mentality." *Handbook On Ethics And Animals*. (ed.) R. Frey and T. Beauchamp. Oxford: Oxford University Press.
<http://www.philosophy.umd.edu/Faculty/pcarruthers/Animal%20mentality%20and%20value.pdf>

It is difficult to see how any such sympathy-based ethical theory can have the resources to deny moral standing to insects. For it seems that bees and humans are relevantly alike in the one respect that matters: both are agents with goals that can be frustrated; and as we saw in Section 2, the most fundamental target of sympathy is goal-frustration. This isn't to say that utilitarians of this sort can't find *any* relevant differences between humans and other animals, of course. For they can allow numbers of desires to count (humans will generally have many more of them), as well as normal life expectancy, in addition to indirect effects on humans who are friends or relatives of the person in question, and so on. However, just as Singer has claimed that there can be no defensible grounds for according standing to all humans while denying it to animals, so it seems he can't grant the standing of *some* animals without also granting it to almost all (including individual members of many species of insect).

INTERPRETING ANIMALS AS IF THEY HAVE PAIN ISN'T ENOUGH

Carruthers, Peter (2011). "Animal mentality." *Handbook On Ethics And Animals*. (ed.) R. Frey and T. Beauchamp. Oxford: Oxford University Press.
<http://www.philosophy.umd.edu/Faculty/pcarruthers/Animal%20mentality%20and%20value.pdf>

Other philosophers, in contrast, have placed extremely weak conditions on attitude possession. They have claimed, for example, that it is enough that a creature's behavior should allow it to be *interpreted as* possessing beliefs and desires.²³ I shall assume that such weak claims are likewise incorrect, for two reasons. The first is that people are intuitive realists about mental states. We are therefore open to the possibility of being mistaken in our interpretations, even under ideal conditions.²⁴ The second is that our concern should be with the real mental properties that animals possess (in the sense that those properties are acceptable to science), not whether it is pragmatically useful to think of them in such terms. We therefore need to know whether there is a real, scientifically valid, distinction between the belief states and the desire states of animals (and between these and their perceptual states). We also need to be assured that these states are compositionally structured out of concepts or concept-like elements, interacting with one another in inference-like processes in virtue of their compositional structures. These are demanding conditions. Nonetheless, I shall argue that even insects can meet them.²⁵

THAT ANIMALS FEEL PAIN IS IRRELEVANT; WHAT MATTERS IS IF ANIMALS HAVE PROPOSITIONAL ATTITUDES RELEVANT TO THEIR PAIN

Carruthers, Peter (2011). "Animal mentality." *Handbook On Ethics And Animals*. (ed.) R. Frey and T. Beauchamp. Oxford: Oxford University Press.
<http://www.philosophy.umd.edu/Faculty/pcarruthers/Animal%20mentality%20and%20value.pdf>

Pain perception in mammals (at least) is underlain by two distinct nervous pathways. The so-called "new path" is fast, projects to a number of different sites in the cortex, and is responsible for pain discrimination, location, and feel. It is this pathway that gives rise (in humans) to the felt qualities of pain. The "old path", in contrast, is comparatively slow, projects to more ancient subcortical structures in the limbic system of the brain, and is responsible for pain motivation. It is this that makes one want the pain to stop. Some analgesics like morphine suppress the old path while leaving the new path fully functional. Subjects will say that their pain feels just the same to them, but that they no longer care. What they are aware of is now just a sensation. It is no longer an *awful* sensation. Such people are no longer appropriate objects of sympathy, surely. Of course one might be sympathetic for any physical damage that has occurred, because of its likely future effects on the life of the agent; but that is another matter. Not only is there no obligation on us to try to make the remaining pain sensation stop, but it seems that doing so would be morally completely neutral. Making the pain sensation stop wouldn't be doing the subject any sort of favor.

What makes pain (or anything else) awful, then, is that it is the object of a negative desire. Phenomenal consciousness is irrelevant to its status. (Note that these points would motivate some kind of *preference* utilitarianism over any form of *hedonistic* utilitarianism in moral theory.) It would be absurd to insist that the person in our example above is undergoing something bad (at least assuming that there is no physical damage in addition to the pain sensation), despite the fact that he doesn't care. And the claim made here probably generalizes. For there are powerful arguments for thinking that what things and events count as valuable depend ultimately on our desires, values, and preferences.¹⁷ The question that we need to ask, therefore, isn't whether animals are capable of phenomenally conscious experience, but whether they are subjects of propositional attitudes, especially desires and goals.¹⁸

ANIMALS SHOULDN'T BE CONSIDERED BEHIND THE VEIL

Carruthers, Peter (2011). "Against the moral standing of animals." In C. Morris (ed.), *Practical Ethics: questions of life and death*. Oxford: Oxford University Press.
<http://www.philosophy.umd.edu/Faculty/pcarruthers/The%20Animals%20Issue.pdf>

The veil of ignorance is a theoretical device designed to ensure that deeply held moral beliefs about what is, or isn't, morally relevant should be preserved in the resulting theory. So although the contracting agents aren't allowed to appeal to any moral beliefs in the contract process, in effect the moral theorist has relied upon his prior moral beliefs in designing the surrounding constraints. Scanlon's version of contractualism, in contrast, digs deeper. It has the capacity to *explain why* the properties mentioned in the veil of ignorance are morally irrelevant. This is because one should be able to see in advance as one approaches the contract situation that if one proposes a rule favoring men, then this will be vetoed by those rational agents who are women, and vice versa; and so on for differences of age, intelligence, strength, race, and so on. So if we are motivated by the goal of reaching free and unforced general agreement among rational agents, we should abjure proposals that might favor one group over another. For we can foresee that these would be vetoed, and that others could equally well suggest proposals favoring other groups, in any case, which we would need to veto. But in contrast there is no reason for us to abjure rules that favor humans over animal.

The idea of choosing rules in ignorance of one's species isn't even coherent within the framework of Scanlon's form of contractualism, in which agents are supposed to have full knowledge of their own particular qualities and circumstances, as well as of general truths of psychology, economics, and so forth. So there is no way to argue for the moral significance of animals from such a standpoint. Indeed, one should be able to see in advance that a proposed rule that would accord moral standing to animals would be vetoed by some, because of the costs and burdens that it would place on us.

ANIMALS SHOULDN'T BE CONSIDERED BEHIND THE VEIL

Carruthers, Peter (2011). "Against the moral standing of animals." In C. Morris (ed.), *Practical Ethics: questions of life and death*. Oxford: Oxford University Press.
<http://www.philosophy.umd.edu/Faculty/pcarruthers/The%20Animals%20Issue.pdf>

Another suggestion is that people behind the veil of ignorance should be selecting moral rules in ignorance of their species, just as they are ignorant of their life-plans, age, strength, intelligence, gender, race, position in society, and so on (Regan, 1984). Then just as rational agents might be expected to agree on rules to protect the weak, since for all they know they might end up to *be* weak, so, too, rational agents might be expected to agree on a system of fundamental rights for animals, since for all they know they might end up *being* an animal.

One problem with this suggestion is that Rawls' veil of ignorance is designed to rule out reliance upon factors that are widely agreed to be morally irrelevant. Amongst the intuitions that a good moral theory should preserve is the belief that someone's moral standing shouldn't depend upon such factors as their age, or gender, or race. In contrast we don't (or don't all) think that species is morally irrelevant. On the contrary, this is highly disputed, with (I would guess) a clear majority believing that differences of species (e.g. between human and dog) *can* be used to ground differential moral treatment.

CONTRACTUALISM ENTAILS THAT ANIMALS DO NOT HAVE ANY MORAL SIGNIFICANCE

Carruthers, Peter (2011). "Against the moral standing of animals." In C. Morris (ed.), *Practical Ethics: questions of life and death*. Oxford: Oxford University Press.
<http://www.philosophy.umd.edu/Faculty/pcarruthers/The%20Animals%20Issue.pdf>

Recall that rational agents engaging in the contract process are forbidden from appealing to any antecedent moral beliefs – whether their own or other people's. (This is because moral truth is to be the outcome of the contract, and shouldn't be presupposed at the outset.) So contracting rational agents should *not* reason that animals ought to be accorded moral standing on the grounds that some people have a moral belief in such standing, and may be prepared to kill or engage in other forms of violence in pursuit of their principles. The proper response is that such people aren't entitled to their belief in the moral standing of animals unless they can show that rational agents in the appropriate sort of contract situation would agree to it.

Many people come to care quite a bit about their pets, of course, and this is something that rational contractors might be expected to know. Could this give rise to a social-stability argument for moral standing? The answer is "No", for at least two distinct reasons.⁷ One is that it is far from clear that the phenomenon of pet-keeping and attachment to pets is a human universal (in contrast with attachment to infants and aged relatives). It may rather be a product of local cultural forces operating in some societies but not others. And if the latter is the case, then such attachments aren't a "fixed point" of human nature, which should constrain rational contractors in their deliberations. They might appropriately decide, instead, that society should be arranged in such a way that people don't develop attachments that are apt to interfere with correct moral decision making. A second problem with the suggestion is that attachment to pets is rarely so deep as attachments to relatives, in any case. Hence people should have little difficulty in coming to accept that pets can only be accorded the sorts of protections granted to other items of private property. Most of us would think that it would be foolish (indeed, reprehensible) to continue to keep a pet that threatens the life of a child (e.g. through severe allergic reactions). And when the state declares that the public interest requires that someone's dog be put down (e.g. because it is dangerous), it would surely be unreasonable to take up arms to defend the life of the animal, just as it would be unreasonable to kill to preserve a house that had been condemned for demolition.

CONTRACTUALISTS WOULDN'T BE REQUIRED TO NOT GIVE MORAL STANDING TO THE ELDERLY AND SICK

Carruthers, Peter (2011). "Against the moral standing of animals." In C. Morris (ed.), *Practical Ethics: questions of life and death*. Oxford: Oxford University Press.
<http://www.philosophy.umd.edu/Faculty/pcarruthers/The%20Animals%20Issue.pdf>

It seems that rational contractors wouldn't automatically cede moral standing to those human beings who are *not* rational agents (e.g. infants and senile old people), in the way that they must cede standing to each other. But there are considerations that should induce them to do so, nevertheless. The main one is this.⁵ Notice that the basic goal of the contract process is to achieve a set of moral rules that will provide social stability and preserve the peace. This means that moral rules will have to be *psychologically supportable*, in the following sense: they have to be such that rational agents can, in general, bring themselves to abide by them without brainwashing. (Arguably, no rational agent would consent to the loss of autonomy involved in any form of the latter practice.) But now the contractors just have to reflect that, if anything counts as part of "human nature" (and certainly much does; see Pinker, 2002), then people's deep attachment to their infants and aged relatives surely belongs within it. In general, people care as deeply about their immediate relatives as they care about anything (morality included), irrespective of their relatives' status as rational agents. In which case contracting agents should accord moral standing to all human beings, and not just to those human beings who happen to be rational agents.

Consider what a society would be like that denied moral standing to infants and/or senile old people. The members of these groups would, at most, be given the same type of protection that gets accorded to items of private property, deriving from the legitimate concerns of the rational agents who care about them. But that would leave the state or its agents free to destroy or cause suffering to the members of these groups whenever it might be in the public interest to do so, provided that their relatives receive financial compensation. (For example, senile old people might be killed so that their organs can be harvested, or it might be particularly beneficial to use human infants in certain painful medical experiments.) We can see in advance that these arrangements would be highly unstable. Those whose loved ones were at risk would surely resist with violence, and would band together with others to so resist. Foreseeing this, contracting rational agents should agree that all human beings be accorded moral standing.⁶

SPECIESISM KEY TO ACTING MORALLY AND FULFILLING OBLIGATIONS

Cohen, Carl (1986). "The Case For The Use Of Animals In Biomedical Research." *New England Journal of Medicine* 315:865-870.

Speciesism is not merely plausible: it is essential for right conduct, because those who will not make the morally relevant distinctions among species are almost certain, in consequence, to misapprehend their true obligations. The analogy between speciesism and racism is insidious. Every sensitive moral judgment requires that the differing natures of the beings to whom obligations are owed be considered. If all forms of animate life - or vertebrate animal life? - must be treated equally, and if therefore in evaluating a research program the pains of a rodent count equally with the pains of a human we are forced to conclude (1) that neither humans nor rodents possess rights, or (2) that rodents possess all the rights that humans possess. Both alternatives are absurd. Yet one or the other must be swallowed if the moral equality of all species is to be defended.

SPECIESISM IS NOT AKINTO OTHER FORMS OF DISCRIMINATION; PEOPLE MATTER, ANIMALS

Cohen, Carl (1986). "The Case For The Use Of Animals In Biomedical Research." New England Journal of Medicine 315:865-870. DON'T

This argument *is* worse than unsound; it is atrocious. It draws an offensive moral conclusion from a deliberately devised verbal parallelism that is utterly specious. Racism has no rational ground whatever. Differing degrees of respect or concern for humans for no other reason than that they are members of different races is an injustice totally without foundation in the nature of the races themselves. Racists, even if acting on the basis of mistaken factual beliefs, do grave moral wrong precisely because there is no morally relevant distinction among the races. The supposition of such differences has led to outright horror. The same is true of the sexes) neither sex being entitled by right to greater respect or concern than the other. No dispute here.

Between species of animate life, however - between (for example) humans on the one hand and cats or rats on the other - the morally relevant differences are enormous, and almost universally appreciated. Humans engage in moral reflection; humans are morally autonomous; humans are members of moral communities, recognizing just claims against their own interest. Human beings do have rights; theirs is a moral status very different from that of cats or rats

MORAL AGENTS CAN KNOWINGLY BREAK RULES; ANIMALS CANNOT KNOWINGLY BREAK RULES

Cohen, Carl (1986). "The Case For The Use Of Animals In Biomedical Research." New England Journal of Medicine 315:865-870.

Genuinely moral acts have an internal as well as an external dimension. Thus, in law, an act can be criminal only when the guilty deed, the *actus reus*, is done with a guilty mind, *mens rea*. No animal can ever commit a crime; bringing animals to criminal trial is the mark of primitive ignorance. The claims of moral right are similarly inapplicable to them. Does a lion have a right to eat a baby zebra? Does a baby zebra have a right not to be eaten? Such questions, mistakenly invoking, the concept of right where it does not belong, do not make good sense. Those who condemn biomedical research because it violates "animal rights" commit the same blunder.

MORAL BEHAVIOR AMONG ANIMALS IS IRRELEVANT; THEY ARE NOT AUTONOMOUS AGENTS

Cohen, Carl (1986). "The Case For The Use Of Animals In Biomedical Research." New England Journal of Medicine 315:865-870.

Analogies between human families and those of monkeys, or between human communities and those of wolves, and the like, are entirely beside the point. Patterns of conduct are not at issue. Animals do indeed exhibit remarkable behavior at times. Conditioning, fear, instinct, and intelligence all contribute to species survival. Membership in a community of moral agents nevertheless remains impossible for them. Actors subject to moral judgment must be capable of grasping the generality of an ethical premise in a practical syllogism. Humans act immorally often enough, but only they - never wolves or monkeys - can discern, by applying some moral rule to the facts of a case, that a given act ought or ought not to be performed. The moral restraints imposed by humans on themselves are thus highly abstract and are often in conflict with the self-interest of the agent. Communal behavior among animals, even when most intelligent and most endearing, does not approach autonomous morality in this fundamental sense.

BEING ALIVE IS NOT A SUFFICIENT CONDITION FOR HAVING RIGHTS

Cohen, Carl (1986). "The Case For The Use Of Animals In Biomedical Research." New England Journal of Medicine 315:865-870.

To animate life, even in its simplest forms, we give a certain natural reverence. But the possession of rights presupposes a moral status not attained by the vast majority of living things. We must not infer, therefore, that a live being has, simply in being alive, a "right" to its life. The assertion that all animals, only because they are alive and have interests, also possess the "right to life" is an abuse of that phrase, 'and wholly without warrant.

ANIMALS HAVE NO RIGHTS

Cohen, Carl (1986). "The Case For The Use Of Animals In Biomedical Research." New England Journal of Medicine 315:865-870.

Animals (that is, nonhuman animals, the ordinary sense of that word) lack this capacity for free moral judgment. They are not beings of a kind capable of exercising or responding to moral claims. Animals therefore have no rights, and they can have none. This is the core of *the* argument about the alleged rights of animals. The holders of rights must have the capacity to comprehend rules of duty, governing all including themselves. In applying such rules, the holders of rights must recognize possible conflicts between what is in their own interest and what is just. Only in a community of beings capable of self-restricting moral judgments can the concept of a right be correctly invoked.

Humans have such moral capacities. They are in this sense self-legislative, are members of communities governed by moral rules, and do possess rights. Animals do not have such moral capacities. They are not morally self-legislative, cannot possibly be members of a truly moral community, and therefore cannot possess rights. In conducting research on animal subjects, therefore, we do not violate their rights, because they have none to violate.

SUMMARY OF KANT'S ARG FOR WHY ANIMALS ARE OWED NOTHING

Korsgaard, Christine (2011). "Interacting with Animals." Oxford Handbook on Ethics and Animals. (ed). T. Beauchamp and R.G. Frey. Oxford: Oxford University Press. 106-107

To summarize the argument: Kant supposes that as moral beings we are under a common law, the law of treating people as we ourselves think that people should be treated, or more technically, the categorical imperative: to act only on a maxim that we ourselves can will as universal law. And he thinks that the authority of that law, and the laws that follow from it, springs from our own wills. These facts place us in a community in which each of us has the right to claim morally good treatment from every other, and that is why we can be obligated to each other. But the other animals are not moral, therefore they cannot be "lawmaking members of the Kingdom of Ends," and therefore they cannot place us under obligations in the name of its laws. Only rational and moral beings, Kant thinks, can do this, and so obligations and duties can be owed only to rational and moral beings.

ANIMALS ARE NOT MORAL AGENTS

Korsgaard, Christine (2011). "Interacting with Animals." Oxford Handbook on Ethics and Animals. (ed). T. Beauchamp and R.G. Frey. Oxford: Oxford University Press. 103

If this is correct, the difference between human beings and the other animals is not that we are self-conscious and they are not. It is, as it were, both smaller and bigger than that. Human beings have a particular form or type of self-consciousness: consciousness of the grounds of our beliefs and actions. But that little difference makes a very big difference. For it means that human beings are both capable of, and subject to, normative self-government, the ability to direct our beliefs and actions in accordance with rational norms. And normative self-government, according to Kant, is the essence of morality. Morality does not rest simply in being altruistic or cooperative, although it certainly does demand those things. It rests in being altruistic or cooperative or honest or fair or respectful because you think you should be : because, that is, you yourself would will that everyone should act in those ways. To be capable of normative self-government is to be in Kant's language "autonomous"—capable of governing yourself in accordance with the laws you make for yourself. And as far as we know, although it is an empirical question, no other animal does that. If that is so, human beings are rational and moral animals, and the other animals are not.

ANIMALS ARE NOT AWARE OF THEIR EVALUATIVE ATTITUDES

Korsgaard, Christine (2011). "Interacting with Animals." Oxford Handbook on Ethics and Animals. (ed). T. Beauchamp and R.G. Frey. Oxford: Oxford University Press. 102

However, even if this is right, it does not yet seem to show that the animal must be aware of herself as the subject of her attitudes—that is, of her beliefs, emotions, and desires. And this suggests a further division within this form of self-consciousness. An animal might be aware of her experiences and of herself as the subject of those experiences, and yet her attitudes might be invisible to her, because they are a lens through which she sees the world, rather than being parts of the world that she sees. In fact, it seems likely that the way an animal's instincts function is by providing exactly that sort of lens. As I said earlier, a bare theoretical awareness of the world would not do an animal—especially an intellectually primitive animal—any good unless it were accompanied by appropriate motivational states. So we may suppose that an animal instinctively perceives things as aversive or attractive in particular ways—as food, that is, as appetizing, or as threat, that is, as frightening—without being aware that it is a fact about herself that she is hungry or frightened. You don't need to know of yourself that you are hungry in order to respond to food correctly: you only need to perceive it as appetizing, as food.

THE ANIMAL RIGHTS TRADITION IS TOO ATOMISTIC AND AT ODDS WITH ENVIRONMENTAL ETHICS

Schlosberg, David (2007). Defining environmental justice. Oxford: Oxford University Press. 135

Yet Rodman sees some key problems with the practice. The first difficulty, he argues, is the perpetuation by many of an atomistic metaphysics...locating intrinsic value only or primarily in individual persons, animals, plants, etc., rather than in communities or ecosystems, since individuals are our paradigmatic entities for thinking, being conscious, and feeling pain. Yet it seems bizarre to try to account wholly for the value of a forest or a swamp by itemizing and adding up the values of all the individual members. (1983: 87)

In discussing Singer, Rodman (1977: 89) specifically points out that his animal rights approach would apply to woodrats, but not to cactus or sagebrush—and to individual woodrats rather than the species. This moral atomism, he argues, 'does not seem well adapted to coping with ecological systems' (Rodman 1977: 89). In other words, we cannot base an ecological ethic of justice solely on the singularity of the liberal model of human beings; such an ethic must address the larger breadth of the communities of the natural world. So the first major problem with the extension of liberal concepts based on shared traits is its association with moral atomism and liberal individualism; used in a limited way, it may preclude a more necessarily communalist or systems approach.

PERSONS ARE THOSE THAT CAPABLE OF A CONCEPTION OF GOOD AND WHICH HAVE A SENSE OF JUSTICE

Rawls, John (1979). *A Theory of Justice*. Cambridge: Harvard University Press. 442-443

The natural answer seems to be that it is precisely the moral persons who are entitled to equal justice. Moral persons are distinguished by two features: first they are capable of having (and are assumed to have) a conception of their good (as expressed by a rational plan of life); and second they are capable of having (and are assumed to acquire) a sense of justice, a normally effective desire to apply and to act upon the principles of justice, at least to a certain minimum degree. We use the characterization of the persons in the original position to single out the kind of beings to whom the principles chosen apply. After all, the parties are thought of as adopting these criteria to regulate their common institutions and their conduct toward one another; and the description of their nature enters into the reasoning by which these principles are selected. Thus equal justice is owed to those who have the capacity to take part in and to act in accordance with the public understanding of the initial situation. One should observe that moral personality is here defined as a potentiality that is ordinarily realized in due course. It is this potentiality which brings the claims of justice into play. I shall return to this point below.

We see, then, that the capacity for moral personality is a sufficient condition for being entitled to equal justice.³⁰ Nothing beyond the essential minimum is required. Whether moral personality is also a necessary condition I shall leave aside. I assume that the capacity for a sense of justice is possessed by the overwhelming majority of mankind, and therefore this question does not raise a serious practical problem. That moral personality suffices to make one a subject of claims is the essential thing. We cannot go far wrong in supposing that the sufficient condition is always satisfied. Even if the capacity were necessary, it would be unwise in practice to withhold justice on this ground. The risk to just institutions would be too great.

It should be stressed that the sufficient condition for equal justice, the capacity for moral personality, is not at all stringent. When someone lacks the requisite potentiality either from birth or accident, this is regarded as a defect or deprivation. There is no race or recognized group of human beings that lacks this attribute. Only scattered individuals are without this capacity, or its realization to the minimum degree, and the failure to realize it is the consequence of unjust and impoverished social circumstances, or fortuitous contingencies. Furthermore, while individuals presumably have varying capacities for a sense of justice, this fact is not a reason for depriving those with a lesser capacity of the full protection of justice. Once a certain minimum is met, a person is entitled to equal liberty on a par with everyone else. A greater capacity for a sense of justice, as shown say in a greater skill and facility in applying the principles of justice and in marshaling arguments in particular cases, is a natural asset like any other ability. The special advantages a person receives for its exercise are to be governed by the difference principle. Thus if some have to a preeminent degree the judicial virtues of impartiality and integrity which are needed in certain positions, they may properly have whatever benefits should be attached to these offices. Yet the application of the principle of equal liberty is not affected by these differences. It is sometimes thought that basic rights and liberties should vary with capacity, but justice as fairness denies this: provided the minimum for moral personality is satisfied, a person is owed all the guarantees of justice.

RAWLS'S DEFINITION EXCLUDES ANIMALS

Rawls, John (1979). A Theory of Justice. Cambridge: Harvard University Press. 448-449

While I have not maintained that the capacity for a sense of justice is necessary in order to be owed the duties of justice, it does seem that we are not required to give strict justice anyway to creatures lacking this capacity. But it does not follow that there are no requirements at all in regard to them, nor in our relations with the natural order. Certainly it is wrong to be cruel to animals and the destruction of a whole species can be a great evil. The capacity for feelings of pleasure and pain and for the forms of life of which animals are capable clearly imposes duties of compassion and humanity in their case. I shall not attempt to explain these considered beliefs. They are outside the scope of the theory of justice, and it does not seem possible to extend the contract doctrine so as to include them in a natural way. A correct conception of our relations to animals and to nature would seem to depend upon a theory of the natural order and our place in it. One of the tasks of metaphysics is to work out a view of the world which is suited for this purpose; it should identify and systematize the truths decisive for these questions. How far justice as fairness will have to be revised to fit into this larger theory it is impossible to say. But it seems reasonable to hope that if it is sound as an account of justice among persons, it cannot be too far wrong when these broader relationships are taken into consideration.

MORAL DEFIANCE IS WHAT DISTINGUISHES HUMANS

Hampton, Jean (2007). *The Intrinsic Worth of Persons*. Cambridge: Cambridge University Press. 91-92

I want to argue that such defiance is a distinctively human phenomenon, which normally occurs whenever following a command – which one knows is authoritative in the circumstances – interferes with the perception of what is required to achieve or do something else that one wants. In this situation, a human being has the capacity to “overthrow” the authority in her own mind, and to install a new authority which sanctions the action she wishes to take. Indeed, the previous discussion of irrationality was meant to suggest that defiance of norms generally – including rational as well as moral norms – is a distinctively human capacity, which marks out human beings from other animals and which traditional religious thinkers would consider to be the central element in their fallen natures.

How is it distinctive of human beings? Don't dogs, horses, and monkeys display the ability to break rules, sometimes even exhibiting something approximating shame when they do so? However, the defiant mental act that I claim is distinctive in human beings is not just the act of disobeying a command; it is the choice which leads to the disobedience. Specifically, it is the choice to supplant what one knows to be an authoritative rule with a different authority that sanctions the act one wishes to take. Or, to put it another way, it is a rebellion against that which is taken to have final evaluative authority in the situation, in order to install a new evaluative authority which evaluates the action one wishes to take as better and not worse.

Contrast this with the disobedience of a horse. When a horse disobeys his rider's command to canter, the horse is simply doing what he prefers until the rider can use punishments and rewards to induce him to prefer the behavior preferred by the rider. So what the horse does is always determined by his desires. Unless we human beings are badly wrong in our understanding of equine mental life, there is no perception of an 'ought to obey' in the horse's head which can act as a reason-giving authority that competes with his desires. But it is the ability to understand and act from the idea that “I ought to obey” – an ability which involves the appreciation of a moral command as authoritative – that distinguishes a human being from an animal. And it is our ability to challenge that authority and install a reason-giving authority that is more amenable to our interests which makes human beings' disobedience of commands distinctive.

My point is that to be morally culpable, one must be able to recognize the authority of morality even while trying to overthrow it. So wrongdoers are rebels, but rebels always understand the authority of that which they seek to depose. This is why they are, and see themselves as, rebels – people who must depose, bring down, vanquish an authority that they oppose and wish to replace.

A2: MARGINAL CASE ARGUMENT

Scanlon, T.M. (1998). *What We Owe To Each Other*. Cambridge: Harvard University Press. 185-186

Limiting the scope of the morality of right and wrong to beings with the capacity to hold judgment-sensitive attitudes may seem too restrictive even as far as human beings are concerned. Normal adult human beings have this capacity, but drawing the boundary in this way would seem to exclude infants, even young children, and adults who do not develop normal capacities. As far as infants and young children are concerned, this objection derives its force from a misleading formulation. Infants and young children are not separate kinds of creatures. Rather, infancy and childhood are, in normal cases, stages in the life of a being who will have the capacity for judgment-sensitive attitudes. Moreover, in the case of children and infants this is already an actual being, not merely a possible one, since its conscious life has begun.

Not every human being develops normal human capacities, however, so there is the question of what this criterion implies about the moral status of those severely disabled humans who never develop even the limited capacities required for judgment-sensitive attitudes. The question is whether we have reason to accept the requirement that our treatment of these individuals should be governed by principles that they could not reasonably reject, even though they themselves do not and will not have the capacity to understand or weigh justifications. The answer is that we clearly do. The mere fact that a being is "of human born" provides a strong reason for according it the same status as other humans. This has sometimes been characterized as a prejudice, called "speciesism." But it is not prejudice to hold that our relation to these beings gives us reason to accept the requirement that our actions should be justifiable to them. Nor is it prejudice to recognize that this particular reason does not apply to other beings with comparable capacities, whether or not there are other reasons to accept this requirement with regard to them.

The beings in question here are ones who are born to us or to others to whom we are bound by the requirements of justifiability. This tie of birth gives us good reason to want to treat them "as human" despite their limited capacities. Because of these limitations, the idea of justifiability to them must be understood counterfactually, in terms of what they could reasonably reject if they were able to understand such a question. This makes the idea of trusteeship appropriate in their case, whether it is appropriate for the case of nonhuman animals or not. It also indicates a basis on which such a trustee could object to proposed principles. Severely disabled humans have reason to want those things that any human has reason to want, insofar as these are things that they are capable of benefiting from. These will include, at least, protection and care, affection, and those enjoyments of which the person is capable. So, while a large part of the morality of right and wrong, including rights and liberties that are important to us because of our interest in controlling and directing our own lives, may have no application in this case, other basic duties will have their usual force.

The answer to the first question of scope, then, is that according to contractualism the class of beings whom it is possible to wrong will include at least all those beings who are of a kind that is normally capable of judgment-sensitive attitudes, and may include nonrational creatures as well, depending on how far the idea of trusteeship is taken to apply. To turn to the second question of scope mentioned above, does the part of morality I am describing apply to all possible beings of the kinds to which it applies or only to actual beings, that is to say, to those who do, will, or have existed? Or does it apply only to those beings who exist at a certain time (say, the time of the action that is being judged)? The idea of justifiability to all possible beings (even all possible beings of a certain kind) seems impossibly broad, and barely coherent. On the other hand, a restriction to presently existing beings seems obviously too narrow. Any actual human being, or actual member of group (3), whether existing now or only at some past or future time, constitutes a point of view relative to which the question of justifiability makes sense, and we have reason to value the justifiability of our actions to these people—that is to say, to those who are already dead, or not yet born, as well as to our contemporaries.

ANIMALS DO NOT HAVE RIGHTS BECAUSE THEY DO NOT HAVE JUDGEMENT-SENSITIVE ATTITUDES

Scanlon, T.M. (1998). *What We Owe To Each Other*. Cambridge: Harvard University Press. 180-181

Should these bounds be broader? If those nonhuman animals who lack the capacity for language are therefore not capable of holding judgment-sensitive attitudes, then they will be outside the part of morality I am describing if it includes only the beings in group (3). Creatures who cannot assess reasons cannot have intentions in the strict sense in which an intention is a judgment-sensitive attitude. But nonhuman animals seem clearly to engage in goal-directed activity. In some cases this activity is the expression of biologically given instincts, as when birds migrate or when salmon swim upstream to spawn. In other cases, the goals are more idiosyncratic, as when my cat tries to get a pencil out of the crack in my desk. This makes the activity seem more like the intentional action of rational creatures, even if it is not modifiable by the assessment of reasons. It seems likely that any creature to which we can attribute pain must be capable at least of goal-directed activity, if not of judgment-sensitive attitudes, since it is difficult to see how we could attribute pain to a creature without taking it to be trying to avoid what is painful.

When we believe that a creature is in pain, we normally have an immediate sympathetic response: we see its pain as something there is reason to alleviate. Moreover, we have no reason to think this response is in general mistaken. Pain—whether that of rational creatures or nonrational ones—is something we have *prima facie* reason to prevent, and stronger reason not to cause. Appreciating these reasons is central to understanding the value of sentient beings (on the account of value discussed in Chapter 2). Given the plausible assumption that responding appropriately to the value of other creatures is part of morality in the broad sense, this accounts for the intuition that it is a serious moral failing to be indifferent to the suffering of nonhuman animals, and hence morally wrong in the broad sense of that term to cause them pain without adequate justification. Thus, it is not necessary to claim that nonhuman animals fall within the scope of the narrower part of morality I have been describing in order to account for the fact that there are serious moral objections to torturing animals for fun and to such practices as subjecting them to painful treatments in order to test cosmetics.

A2: MARGINAL CASE ARGUMENTS

Scanlon, T.M. (1998). *What We Owe To Each Other*. Cambridge: Harvard University Press. p. 180

The difference between group (3) [Those beings in group (2) who are capable of judging things as better or worse and, more generally, capable of holding judgment-sensitive attitudes] and group (4) [Those beings in group (3) who are capable of making the particular kind of judgments involved in moral reasoning] is in practice rather small. It is difficult to see how beings could be capable of judgment-sensitive attitudes without the capacity for language.²⁹ (How else are the reasons to be represented in judgment?) So group (3) seems to extend very little if at all beyond the class of human beings. There certainly could be and presumably are beings who fall within group (3) but not (4): who are capable of judgment-sensitive attitudes but not of moral reasoning. It seems to me, however, that the idea of “justifiability to” such beings nonetheless makes sense, and that we have reason to care about it. Claims about what it would be reasonable for them to accept if they were moved to and principles which others also could not reasonably reject involve a minimal counterfactual element. Moreover, their capacities for reasoning and rational self-direction call for the kind of respect that entails treating them only in ways that they could (in this minimally counterfactual sense) not reasonably object to. So contractualism gives us little reason for drawing the bounds of the morality of right and wrong more narrowly than group (3).

HUMAN LIVES ARE, COMPARATIVELY, BETTER THAN ANIMAL LIVES

McMahan, Jeff (2002). *The Ethics of Killing: Problems at the Margins of Life*. Oxford: Oxford University Press. p.198

There are, finally, comparative dimensions to the badness of death in the case of persons, reasons why a death may be worse that essentially involve comparisons between the life of the person who dies and the lives of others who are, for one reason or another, appropriate subjects for comparison. A death may be worse, for example, if many of the goods the victim loses are ones that are found in most other people's lives, or if the victim's previous gains from life are below the norm for persons generally, or even if they are below the norm for members of some more specific comparison class with whom the victim is closely identified. Again, however, these comparative dimensions to the evaluation of death seem inapplicable or irrelevant in the case of animals. The death of an animal does not, in general, seem worse simply because some of the goods it loses are ones that are common in the lives of most of the other members of its species.

HUMANS UNIQUELY HAVE LONG-RANGE DESIRES, WHICH GIVES THEM MORE VALUE

McMahan, Jeff (2002). *The Ethics of Killing: Problems at the Margins of Life*. Oxford: Oxford University Press. p.197-198

Also in the previous chapter, I noted a further dimension to the badness of death, which is that death not only precludes the addition of further goods to a life but may also retroactively affect the meaning and therefore the value of certain aspects of the victim's previous life. Many of the events or activities in our lives may have no value, or even negative value, considered only in themselves, but may acquire meaning and therefore positive value in the context of a larger pattern of experience or activity. This is related to the previous claims about desire and narrative unity. Because people have long-range desires, they invest time and other resources in preparing for the future. The eventual fulfillment of their desires may endow their earlier efforts, which may have been painful or tedious in themselves, with meaning and value that they would have lacked had the desires remained unfulfilled. Thus when death prevents the fulfillment of projects or ambitions around which a life has been autonomously structured, it not only denies the addition of further good to the life but may also prevent elements of the past from having a deeper meaning or value. Again, however, this dimension of the badness of death is absent in the case of animals. Because they lack self-consciousness, animals generally lack long-range desires; hence they do not consciously plan or make sacrifices for the sake of the future. Death cannot rob their previous activities of a meaning or value that was contingent upon future fulfillment. There is, of course, a sense in which a squirrel's efforts in gathering nuts for the winter are rendered futile if it is run over by a car. But the squirrel's action was merely instinctive, not deliberate; there was no goal that the squirrel was consciously seeking to achieve. And even if the squirrel had been consciously pursuing a goal, that goal would merely have been survival itself. It would not have been a goal that gave the squirrel a *reason* for surviving or for wanting to survive. Finally, the squirrel's action involved no sacrifice for the sake of the future: for the squirrel did not gather nuts at the expense of some alternative course of action that it might more profitably have pursued instead. One cannot look back on the time that the squirrel spent gathering nuts as a tragic waste of opportunities. In short, there is no reason to suppose that the squirrel's death retroactively deprives its prior action in gathering nuts of a special meaning or value that it would have had if the squirrel had survived and the action had realized its instrumental function.

ANIMALS LIVES LACK A NARRATIVE UNITY WHICH GIVES VALUE

McMahan, Jeff (2002). *The Ethics of Killing: Problems at the Margins of Life*. Oxford: Oxford University Press. p. 197

One way in which the value that a good contributes to a life may be enhanced is through its relations to earlier and later events within the life. In the previous chapter, I endorsed the commonly noted claim that the lives of persons typically have a narrative structure that may demand completion in a certain way. People autonomously establish purposes for their lives, form patterns of structured relations with others, and thereby create expectations and dependencies that require fulfillment. The importance of later events in a typical human life may thus be greatly magnified by their relation to ambitions formed and activities engaged in earlier. The goods of a person's expected future life may assume a special significance within the life as a whole if they would bring longstanding projects to fruition, extend previous achievements, resolve conflicts, harmonize hitherto dissonant ambitions, redeem past mistakes, or in general round out or complete the narrative structures established earlier. In these and other ways, future goods may enhance the meaning and significance of patterns of experience and activity throughout the life. And the values of the goods themselves may be enhanced by their relations to what has gone before. In the lives of animals, however, this potential for complex narrative unity is entirely absent. There are no projects that require completion, mistakes that demand rectification, or personal relations that promise to ripen or mature. Rather, as Aldous Huxley once put it, "the dumb creation lives a life made up of discreet and mutually irrelevant episodes."⁷ Each day is merely more of the same. As an animal continues to live, goods may continue to accumulate in sequence, but the effect is merely additive. There is no scope for tragedy—for hopes passing unrealized, projects unwillingly aborted, mistakes or misunderstandings left uncorrected, or apologies left unmade. Because the amount of good that an animal can lose through death is limited in this way while that which a person may lose is not, the absence of narrative unity within the lives of animals is another reason why death is typically far worse for persons than it is for animals.

ANIMALS HAVE NO DESERT, SO WE OWE THEM LESS

McMahan, Jeff (2002). *The Ethics of Killing: Problems at the Margins of Life*. Oxford: Oxford University Press. p. 196-197

There are other reasons why animals normally lose considerably less good by dying than persons do. It may be, for example, that a good contributes more to the value of a life to the extent that it has been and continues to be desired when it occurs. If so, we should discount the value of most of the goods in an animal's life, which tend to arrive unbidden and indeed unanticipated, for the absence of prior desire. And a similar claim may be true with respect to desert. It may be that a good contributes more to the value of a life to the extent that it is deserved when it occurs. But since, in general, desert presupposes responsibility and animals are not responsible agents, their deserts, if any, are sparse and attenuated. Therefore we should also discount the value of most of the goods in an animal's life for the absence of desert.

ANIMAL SUFFERING IS NOT AS SIGNIFICANT AS HUMAN SUFFERING

McMahan, Jeff (2002). *The Ethics of Killing: Problems at the Margins of Life*. Oxford: Oxford University Press. p. 196

The goods that an animal loses in dying are not only of a lower quality; they are lesser in quantity as well. Most animal species are condemned by their biology to live lives with a maximum length that is considerably shorter than the maximum, or even the average, human life span. Because we must hold an animal's nature constant when we speculate about what its life would have been like if it had not died, we must assume that it would have died from some other cause before reaching the maximum life span for its species. In general, therefore, the quantity of life that an animal loses in dying is less than that which a person loses.

HUMANS ARE DIFFERENT FROM ANIMALS

McMahan, Jeff (2002). *The Ethics of Killing: Problems at the Margins of Life*. Oxford: Oxford University Press. p. 204

The Time-Relative Interest Account offers an explanation of why the killing of animals is less seriously objectionable than the killing of persons. Because the psychological capacities of animals are significantly less well developed than those of persons, the range of goods accessible to them is narrower and the degree of psychological unity within their lives is less. They therefore have a weaker time-relative interest in continuing to live than a person normally does. For not only do they lose less good in dying, but the relations that ground their time-relative interest in the goods they might have had are weaker; thus the loss of those goods matters less in an ego-istic way than the loss of a comparable amount of good would matter in the life of a person. If the strength of the moral objection to killing varies with the strength of the victim's time-relative interest in continuing to live, it follows that the killing of animals is in general significantly less seriously wrong than the killing of persons.

This explanation fits comfortably with common intuitions. When challenged to defend our treatment of animals, we typically respond by citing various differences between the psychological capacities of persons and those of animals: for example, that we—but not they—are capable of self-consciousness, rationality, and autonomy, of planning for the future, using language, distinguishing right from wrong, and so on. Our possession of these capacities, we say, is what relevantly distinguishes us from animals and makes killing us more seriously wrong. The connection with the Time-Relative Interest Account is that it is precisely our possession of these various psychological capacities that enables us to have a time-relative interest in continuing to live that is so much stronger than that of any other animal. The Time-Relative Interest Account, in short, offers a plausible explanation of the moral significance of the differences between ourselves and animals that we typically cite when challenged to justify our belief that killing animals is morally much less serious than killing persons.

A2: HUMANS ARE NOT BIOLOGICALLY THAT DIFFERENT FROM ANIMALS

Otteson, James (2006). *Actual Ethics*. Cambridge: Cambridge University Press. p.300

Yes, there are rudimentary biological similarities common to all animals, but it does not follow from that that human beings are not distinct. The claim is often made, for example, that humans share 99 percent (or so) of their DNA with chimpanzees, a fact intended to suggest the close similarity between the two. But that 1 percent makes a pretty big difference! Consider that the average brain size of *Homo sapiens* is 1400 cubic centimeters, which is about 3.5 times that of a chimpanzee. For comparison, *Australopithecus afarensis*—one of *Homo sapiens*'s earliest ancestors, living approximately 3–4 million years ago—had an average brain size of about 400 cubic centimeters, a tad larger than the 390 cubic centimeters of today's chimp. One can make a similar point with another example: although many animals have noses, there is nothing in the world that resembles the sophistication of the elephant's trunk, and it would be plain sophistry to claim that it is somehow "pachydermcentrism" to hold that the elephant is special in this regard. Similarly with human personhood. To the "speciesism" charge: well, yes, we do favor our own kind—but, as the evidence adduced earlier in this chapter seems to suggest, we are apparently biologically programmed to do so, so no amount of condemnation or execration will change it.

SPECIESISM GOOD

Otteson, James (2006). *Actual Ethics*. Cambridge: Cambridge University Press. 331-332

The danger of moral cosmopolitanism is even more pronounced when we construct moral categories such as “speciesism” and admonish people to treat not only all other humans as we would treat our own loved ones, but even members of other species as well. Six billion people is already an impossibly large number, without adding to that figure, as some would, the billion or so chickens slaughtered every year, the tens of thousands of animals in zoos around the world, and so on.¹⁷ There have been studies suggesting that genuine human concern for others can reach to only approximately 150 entities, and that deep love and close friendship can extend to only approximately eleven.¹⁸ Yes, it is apparently that precise— and that limited. Thus it has been suggested that it is no accident that historically an army platoon has usually had ten to twelve members, that a jury usually has twelve members, that the number of Jesus’s disciples was what it was, and so on. Human beings have evolved under specific pressures for survival, and one hypothesis has it that those hominids over the last several hundred thousand years who concentrated all their concern and love on their own small group and family were more likely to survive than those who did not; it turned out, apparently, that communities of about 150 or so and closer, usually family-based units of ten to twelve were optimal. Thus we, today’s inheritors of those survivors’ genes, may be programmed with specifically limited capacities to show concern and to love; and though some variation exists, as always, nevertheless the bulk of us cluster around the numbers given.

The claim, then, would be that if you use up your store of concern on rock stars or actors, on “all mankind” or unspecified “people in the third world,” or on all sentient beings or all God’s creatures or all of nature, not only will you put yourself in a state of perpetual nervous anxiety—since you will not be able to actually express or execute your concern for those objects, they being too distant or too numerous—but you also may well not have anything left for your actual neighbor, colleague, or sister-in-law. Similarly, if you discharge your stock of love on “the children” or on “the animals,” not only will you again provoke in yourself a constant, unsettling agitation—even more distressing in this case since love is just not the kind of thing that can be shared widely—but you will also deprive both yourself and those who would love you of the bonds that are constitutive of human psychological health and, thus, happiness. How can you love your wife if you are busy loving all mankind? Will you still have time left for your daughter or your son? None of this, to repeat, implies that one should be indifferent or callous toward others or that it is all right to treat animals cruelly or inhumanely. The argument rather is that psychological distance matters in human happiness and therefore should be figured in when assessing one’s moral duties and obligations.¹⁹